

SENATE

FRIDAY, JULY 9, 1937

(Legislative day of Tuesday, July 6, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, July 8, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum, and ask for a roll call.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Pittman
Andrews	Connally	King	Pope
Ashurst	Copeland	La Follette	Radcliffe
Austin	Davis	Lee	Reynolds
Bailey	Dieterich	Lewis	Robinson
Bankhead	Duffy	Lodge	Schwartz
Barkley	Ellender	Logan	Schwellenbach
Berry	Frazier	Loneragan	Sheppard
Bilbo	George	Lundeen	Shipstead
Black	Gerry	McAdoo	Smathers
Bone	Gibson	McCarran	Steiwer
Borah	Gillette	McGill	Thomas, Okla.
Bridges	Green	McKellar	Thomas, Utah
Brown, Mich.	Guffey	McNary	Townsend
Brown, N. H.	Hale	Maloney	Truman
Bulkley	Harrison	Minton	Tydings
Bulow	Hatch	Moore	Vandenberg
Burke	Hayden	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hitchcock	Nye	Walsh
Capper	Holt	O'Mahoney	Wheeler
Caraway	Hughes	Overton	White
Chavez	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] and the Senator from South Carolina [Mr. SMITH] are necessarily detained from the Senate, and that the Senator from Georgia [Mr. RUSSELL] and the Senator from Virginia [Mr. GLASS] are absent on important public business.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

The PRESIDENT pro tempore. Ninety-one Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its reading clerks, announced that the House had passed a bill (H. R. 3408) to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

- S. 114. An act for the relief of Mildred Moore;
- S. 828. An act for the relief of Ellen Taylor; and
- S. 1934. An act for the relief of Halle D. McCullough.

JOHN A. ENSOR

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2266) for the relief of John A. Ensor, which was, on page 1, line 10, after "Ensor", to insert "and in furtherance of the

Bureau of Animal Industry's project for the elimination of Bang's disease."

Mr. TYDINGS. I move that the Senate concur in the House amendment.

The motion was agreed to.

JAMES H. SMITH

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1257) for the relief of James H. Smith, which was, on page 1, line 5, after "Smith", to insert "of Washington, D. C."

Mr. WALSH. I move that the Senate concur in the House amendment.

The motion was agreed to.

J. E. SAMMONS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1188) for the relief of J. E. Sammons, which was, on page 1, line 7, to strike out all after "States" down to and including "engineers", in lines 11 and 12, and insert "for the value of 35.99 acres of land in Putnam County, Ga., at \$450 per acre, which he conveyed by deed to the Government, represented by the Resettlement Administration, and for which he was not paid because of an erroneous survey of the tract by the General Land Office in February 1935, describing it as 230.72 acres, whereas it in fact contained 266.72 acres by subsequent survey of June 14, 1935."

Mr. GEORGE. I move that the Senate concur in the House amendment.

The motion was agreed to.

GEORGE E. SHOCKLEY

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 171) for the relief of George E. Shockley, which were, on page 1, line 5, after "Shockley", to insert a comma and "of Rehoboth, Del."; on the same page, line 7, after "Government", to insert "for losses"; and on the same page, line 9, to strike out "Service" and insert "for repairs and additions to the lifeboat house and launchway at Lewes (Del.) Coast Guard Station."

Mr. TOWNSEND. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MEMORIALS

Mr. TYDINGS presented a memorial of sundry citizens of Hagerstown, Md., remonstrating against the enactment of the bill (S. 1270) to regulate barbers in the District of Columbia, and for other purposes, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Baltimore and vicinity, in the State of Maryland, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, especially the proposal to enlarge the membership of the Supreme Court, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. MINTON, from the Committee on Military Affairs, to which was referred the bill (S. 1168) for the relief of Joseph W. Bollenbeck, reported it with amendments and submitted a report (No. 886) thereon.

Mr. BARKLEY, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 171) relating to the employment of personnel and expenditures made by the Charles Carroll of Carrollton Bicentenary Commission, reported it without amendment.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably several nominations of officers for appointment, by transfer, in the Regular Army, which were ordered to be placed on the Executive Calendar.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BULOW:

A bill (S. 2763) for the relief of the Sioux Valley Hospital, Sioux Falls Clinic, and the McKennan Hospital, all of Sioux Falls, S. Dak.; to the Committee on Claims.

By Mr. TRUMAN:

A bill (S. 2764) granting a pension to Iva Humphrey; to the Committee on Pensions.

By Mr. REYNOLDS:

A bill (S. 2765) to grant recognition to distinguished military service; to the Committee on Military Affairs.

By Mr. SCHWELLENBACH:

A joint resolution (S. J. Res. 176) favoring employment by the Works Progress Administration of persons unable to find employment in private industry; to the Committee on Education and Labor.

HOUSE BILL REFERRED

The bill (H. R. 3408) to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes, was read twice by its title and referred to the Committee on Civil Service.

DISTRICT OF COLUMBIA TAXES—AMENDMENT

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (H. R. 7472) to provide additional revenue for the District of Columbia, and for other purposes, which was ordered to lie on the table and to be printed.

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

Mr. WHEELER obtained the floor.

Mr. POPE. Mr. President, will the Senator yield in order that I may ask unanimous consent to make a very brief statement?

Mr. WHEELER. I made the statement yesterday that, in view of the ruling made by the Chair and the objection made by the Democratic leader, I should object to the transaction of any business so long as the rule is invoked on Members of the Senate.

Mr. MALONEY. Mr. President, will the Senator yield to me for an announcement?

Mr. WHEELER. Mr. President, I have just refused to yield to the Senator from Idaho.

Mr. MALONEY. Very well.

Mr. WHEELER. Mr. President, my attention has been called to a statement appearing in the Washington Herald of yesterday, issued by the distinguished Senator from Indiana [Mr. MINTON], and the headline states that it was dictated by Mr. Michelson, of the Democratic National Committee. In that statement issued by the Senator from Indiana, or probably I should say by the Democratic National Committee, it is said:

White House raps WHEELER on subterfuge.

That is the heading of the article.

Then it says, under the subhead "Caustic Comment":

The statement intimated that WHEELER was responsible for the account of what happened between him and the President getting in the newspapers. It said:

"Incidentally the circumstances of the quotation of the Senator's words at the White House intrigues me. I see by the same papers that published the quoted declaration of solicitude for the President's welfare that Senator WHEELER, Senator BONE, of Washington, and the President all refused to discuss their conversation. Only those three were present, so I wonder how the press obtained the words of the Senator from Montana."

Further on the article says:

Presumably the almost united Republican opposition to the bill is founded on the same friendly regard as actuates the Democratic Senator from Montana.

Mr. President, I am not surprised that the Democratic National Committee should give out a statement of that kind; I am surprised that my friend the Senator from Indiana should give out such a statement, first, because it implies that I gave out an interview which I had with the President as to what took place between us. There is not a newspaperman in the gallery and not a newspaperman in the city of Washington who will for one instant say that I, either directly or indirectly, ever gave out such a statement. The Senator from Indiana may feel that because he gave out a statement after he left the White House, which was later repudiated by the White House, that I might do the same thing.

Likewise that is in accord with the spirit in which the debate on the bill has been conducted. Never before in the history of the Senate of the United States, at least during the 14 or 15 years I have been a Member of it, have I seen such appeals to the prejudices of the people, to the uninformed, as have been made with reference to this proposed legislation. Never before have I seen on both sides such deep feeling aroused. The reason for it, of course, is that this is a fundamental issue which everyone realizes goes to the very foundation of our Government.

When the bill was first introduced the Attorney General of the United States in a radio speech used this language:

Ladies and gentlemen, only 9 short days have passed since the President sent to the Congress recommendations for the reorganization of the Federal judiciary. Yet in that brief time unfriendly voices have filled the air with lamentations and have vexed our ears with insensate clamor calculated to divert attention from the merits of his proposal.

Why was it that immediately there was aroused such feeling that protests came from the masses of the people of the country against the proposal? It was because they felt that the bill was an attempt on the part of the administration to do by indirection what it did not want to do by direction.

Again, Mr. President, after the appeal was made to the drought-stricken farmers in the Dust Bowl that we must immediately pack the Supreme Court in order to afford relief to those farmers, and after an appeal was made to the flood victims along the Ohio River in order to get them stirred up in favor of the proposal and to cause them to send protests to their Senators who were opposed to it, we found another kind of appeal being made. We found an appeal being made by the Postmaster General of the United States on the ground of party loyalty. He contended that every Democrat ought to support the bill because of party loyalty regardless of its effect upon the Constitution of the United States and regardless of its violation of the spirit of the Constitution.

We heard Mr. Farley saying, "It is in the bag." In another place and at another time he said, "We will let the Senate talk and then we will let the House talk. Then we will call the roll. We have the votes." The press of the country after the last election pronounced Mr. Farley one of the greatest prognosticators the country had ever seen. Think of it, Mr. President, here in the United States the Postmaster General has said, "We will let the Senate talk." Certainly, our constituents ought to feel very grateful to the Postmaster General for permitting the Members of the Senate of the United States, whom they have elected to office, to speak their minds in the Senate. The constituents of the Members of the House of Representatives ought to feel very grateful to the Postmaster General for condescending to let their Representatives speak with reference to the bill.

Then men were sent into nearly every State in the Union to arouse the labor leaders for the purpose of having them send protests and denunciations of Members of the Senate of the United States who were opposed to the bill. Men were sent into my State. One man was sent there who went to every labor organization in the State. I am told that he was on the Government pay roll. He was seeking to persuade the labor organizations to adopt resolutions not only in favor of the President's bill, but denouncing me. They went

even further than that; one of the farm leaders told me that for the first time in his life he was invited to the White House, and it was suggested to him that he should go out and line up the farm organizations in the Northwest against every Member of the House and every Member of the Senate who dared to voice his opposition to the President's bill.

Something has been said about propaganda. We found the Secretary of Agriculture, by the medium of the radio trying to line up the farmers of the country. Why? Not because he knew anything about the Court proposal, not because he was particularly interested in this piece of proposed legislation, but because the Congress of the United States had appropriated money and placed it in his hands to take care of the drought-stricken farmers or those in need of relief; he alone could disburse this money to them, and the implication, of course, was that unless this bill should be passed then the farmers would not be able perhaps to get further appropriations from the Congress.

Then we find the Postmaster General lining up the postmasters throughout the country. We find Mr. Harry Hopkins, of the W. P. A., on the radio, talking about the Democratic Party and about the Court proposal. Why? Why should the head of Works Progress Administration of the United States be propagandizing and trying to influence the people on relief against Members of the Senate? Hopkins' great influence over relief clients comes from the fact that he disburses money to them. But who appropriated that money? Whose money was it? It was the money of the people of the United States, appropriated by the Congress and turned over to Mr. Hopkins, and yet he is stirring up W. P. A. workers and their dependents against Members of the Senate and Members of the House, and that is the only reason why Hopkins spoke.

That spirit of intolerance with reference to the pending bill has prevailed and pervaded the discussion right down to the present moment. Everyone who does not agree with the administration on this proposal or who disagrees with the Attorney General is denounced as an "economic royalist" and as one who has sold out to Wall Street.

Then we found the same spirit of intolerance prevailing in this Chamber yesterday, disclosed by the amazing situation which developed here. When the debate had been proceeding for only a couple of days and the opponents of the bill had not spoken at all, but had merely asked questions of the proponents of the bill who were talking, a practice which has been indulged in by the Senate from time immemorial, when no question of a filibuster was involved at all, but only bona-fide debate on the issues involved in the bill, we were confronted with a sudden appeal for strict application of the rules. Was it because the proponents of the bill are afraid of real debate?

Mr. Farley said, "We have the votes. It is in the bag." If it were "in the bag", why did the proponents desert it? It was deserted and the great prophet of the Democratic Party was wrong. They did not have the votes. They do not now have the votes. They do not want the original bill debated, because they know that upon legitimate debate they cannot sustain it. They know that while at the outset they undoubtedly had 60 votes in favor of the original bill, which would have added six new Justices to the Supreme Court, after the Members of the Senate heard or read the testimony of those appearing before the Judiciary Committee, and after they had studied the bill, one by one, and then two by two, and then by threes and fours, they deserted that bill, until on the day before yesterday the Democratic leader of the Senate announced that the reason why the proponents of the measure did not try to put forward the other bill was because they did not have the votes to pass it. They say they have enough votes at the present time to pass the compromise proposal, and then they appealed to party loyalty. They said to the new Senators who have just been elected, "You ought to vote for this bill because you rode in on the coattails of the President of the United States."

Thank God, I did not ride in on the coattails of the President of the United States! Thank God, I do not have to go

to him and ask him whether or not I have to follow the Democratic leader in this new proposal! Those of you who rode in on the coattails of the President of the United States will ride out on the coattails of the President of the United States if that is the only reason you are here.

I did not ride in on the coattails of any President of the United States. I did not come here because I had promised to be 100 percent for the administration and to vote for everything the President wanted.

There are those who were elected to the United States Senate on a platform of "100 percent Roosevelt", but after assuming their seats in this body, when it was politically expedient, they unhesitatingly cast their votes against the administration. Now, however, some such Senators assert that they must vote for this bill because of their campaign promise of supporting the President 100 percent—that pledge is one that they keep or follow, utilize or discard as they deem it politically expedient.

No, Mr. President, I did not come to the Senate on the coattails of anyone; I came to the Senate on my own, and I am responsible for what I do in the Senate. I expect the people of my State to hold me responsible for my actions; and if I go out, I will go out riding on my own coattails and not upon the coattails of anyone else.

Finally, Mr. President, we were told, "If you do not vote for this bill, you will break the President's heart." Oh, dear! What a pity! "You are going to break the President's heart if you do not vote for him on this bill."

If Senators are going to break the President's heart because they do not vote for him on this bill, they ought to go back and vote for six new judges instead of voting for the substitute, because we are told that this is not the President's bill. Oh, no; this is not his bill. This is not what the President wanted. He wanted six new judges. And why did he want six new judges? Because some of the proponents of the original bill said, "We cannot trust less than four judges, and we ought to have six because some of the six might go back on us; but if we cannot get six, the least we will take is four." Finally, however, they have come down and have said, "We do not want six all at one time. That was wrong. That was packing the Court; so now, instead of packing it all at once, we will pack it by slow motion, and we will get the same result."

There is not the slightest difference in principle between this bill and the other bill so far as the objectives sought to be attained by the proponents of the bills are concerned. The only distinction between the original and this substitute Court bill is that the latter packs the Supreme Court by slow motion.

The distinguished Senator from Pennsylvania [Mr. GUFFEY] rose in the Senate the other day and in a violent attack upon the Chief Justice of the United States said, "He is a terrible politician."

Where have I heard those words before? Not from the Senator from Pennsylvania—oh, no! I have heard them from some of the proponents of this bill who are not members of the Senate of the United States. The men who first proposed the bill were the first ones to use that term. But if Chief Justice Hughes is such a terrible politician, and we should bar politicians from the Supreme Court, why is it that all the Members of the Senate of the United States joined in recommending our distinguished leader in the Senate for the existing vacancy on the Supreme Court? And who voted for Mr. Hughes? We are all politicians. If we were not politicians, we would not be in the Senate of the United States. The only statesmen are dead. The only time politicians become statesmen is after they die.

I submit that this attack upon Chief Justice Hughes is ill-becoming a Member of the Senate. He has practically charged Chief Justice Hughes with being a cheap politician. I voted against the confirmation of Mr. Hughes; but let us see who were those who voted for him. Some Democrats who are in this body at the present time voted for him.

The Senator from Arizona, Mr. ASHURST, the original proponent of this bill, voted for the confirmation of Mr. Hughes.

The Senator from Kentucky, Mr. BARKLEY, voted for the confirmation of Mr. Hughes.

The Senator from Mississippi, Mr. HARRISON, voted for the confirmation of Mr. Hughes.

The present Secretary of the Navy, Secretary Swanson, then a Senator from Virginia, not only voted for the confirmation of Mr. Hughes but he worked incessantly in this body to secure his confirmation.

Who else voted for the confirmation of Mr. Hughes? The Senator from New York, Mr. Wagner, voted for his confirmation. The late Senator from Louisiana, Mr. Broussard, another Democrat, voted for his confirmation. The same thing is true of the Senator from New York, Mr. Copeland; the late Senator from Florida, Mr. Fletcher; the late Senator from Wyoming, Mr. Kendrick; the former Senator from Louisiana, Mr. Ransdell; the former Senator from Iowa, Mr. Steck; and the former Senator from Mississippi, Mr. Stephens. Then we find that the Senator from Arkansas [Mr. Robinson], the Democratic leader, who was then in London attending the Economic Conference by appointment of President Hoover, cabled to be paired in favor of the confirmation of Mr. Hughes; and he was paired with a Republican, the late Senator Howell, of Nebraska, in favor of the confirmation of the present Chief Justice.

So, if Mr. Hughes was such a terribly bad man then, if he was a known politician, and a cheap politician at that, why did these distinguished leaders of the Democratic Party vote for his confirmation and urge his confirmation upon the floor of the Senate of the United States? It should be remembered that Mr. Hughes was actively engaged in politics prior to the date of his confirmation. Mr. Hughes had "economic royalists" for clients whom he had actively served just before his nomination by President Hoover. And who "packed" Mr. Hughes upon the Supreme Court?

Let us take the case of Mr. Justice Roberts. I think every Democrat and every Liberal and every Progressive and every Republican voted for his confirmation. If Mr. Justice Roberts was "packed" on the Supreme Court, then the Senate of the United States was responsible, and violated its duty and its oath of office, when it voted to confirm his nomination and to put him upon the Supreme Court.

Who led the fight in this body for the confirmation of Mr. Justice Butler?

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. WHEELER. I yield.

Mr. CONNALLY. When was the vote on the confirmation of Mr. Chief Justice Hughes? Has the Senator the date there?

Mr. WHEELER. It was on February 14, 1930.

Mr. CONNALLY. How old was Mr. Chief Justice Hughes when he was confirmed by the Senate?

Mr. WHEELER. He must have been about 69 years of age. I am not sure of that, but I should judge he was about 69. He had run for President of the United States. The distinguished Senator from Arkansas [Mr. ROBINSON] had run for Vice President of the United States. Is it a crime for a man to be nominated for Vice President or President of the United States? Does that fact make of him a cheap politician? Oh, no! When a man is with you, he is all right.

Only a short time ago a great liberal newspaper in the United States pointed me out as one of the outstanding liberals of our day. A week or so later, when I had voiced my own convictions against this bill, I was a bad man. Talk about intolerance and bigotry! Because I disagreed with them once I was a Tory. Because I disagreed with them once I was an "economic royalist."

Intolerant and bigoted? Thank God, I come from the State of Montana, where there is no intolerance. Thank God, I come from a State where there is no economic bigotry. Thank God, I was reared in the State of Massachusetts and that I was not subjected to intolerant or bigoted influences. When a man is denied the right to his own opinion without enduring slanderous assaults, intolerance is in the saddle.

Who led the fight for Justice Butler upon this floor? It was not a Republican, not a reactionary, not a Tory, but one

of the great liberals of his time, my late colleague, Thomas J. Walsh. He led the fight for Justice Butler. Was he seeking to pack the Court when he led that fight? No; and Senator Walsh undoubtedly felt that Mr. Butler would be fair, would be reasonable and liberal as a member of the Court.

Then there is Justice Sutherland. The Senate confirmed him. When, in the opinion of the Senator from Pennsylvania, did Mr. Hughes and every other Republican in this country become such bad men? Who are these bad men with whom I am lined up, that the Senator should feel so sorry for me and sympathize with me so greatly? Let me say to the Senator for his information that I do not need his sympathy. Sometime ago a Republican lawyer was speaking to a colored audience in my home town, and he said, "I am going to see to it that the colored people of this city get justice." An old colored lady sitting beside her husband nudged him and said, "I am not for that man." He said, "Why are you not for him? He said he was going to give us justice." She replied, "It is not justice us colored folks want; it is sympathy." [Laughter.]

I do not want sympathy. I have never had the sympathy of many people in this country and I do not want the sympathy of Senators now; they would only be wasting it upon me. I will take care of myself.

I say now that if a spirit of intolerance is to pervade the Senate, if there is to be an attempt to drive this bill through, if the proponents of the bill are going to put pressure on us, if they are going to try to get rough with us, we can get rough just as well as they.

The Senator from Kentucky said he had some old dead cats, or something, that he wanted to throw at someone, and intimated that I had said I had some dead cats. Oh, no; he is wrong about that. That is just in line with the intolerance exhibited and the construction other people would put upon my words. But if they have any dead cats they want to throw at me, let them do so. A good many dead cats have been thrown at me; not only dead cats but a lot of other things, some of which were far worse. [Laughter.]

I do not propose to be intimidated, and the rest of us do not propose to be intimidated, by name callers, or by anyone else, and our opponents might just as well make up their minds to that fact first as last. We are going to have a legitimate debate upon this question before the Senate, regardless of whether Mr. Farley wants us to or whether anybody else wants us to. The country is entitled to it.

Mr. President, threats have been made against Senators by Mr. Farley, who stated that the Senator from Wyoming and the Senator from Nevada probably would not get what they were seeking from the administration if they did not go along with the bill. These distasteful threats represent the ends to which some proponents will go to force the passage of this bill. They will not succeed. The Supreme Court will not be packed. The Senate will never permit it.

Speeches that were made over the radio have been censored, some of the radio stations cut off time after they had promised it to us. Thus far in the Senate debate on this bill the proponents have not argued the provisions or the effect of the bill. The proponents of this bill propose to amend the Constitution through processes of interpretation. Such is morally wrong, fundamentally unsound, and contrary to the principles of democratic government. The people of the United States have a right given them by their forefathers to vote directly their approval or disapproval of any amendment of the Constitution.

Oh, the Senator from Indiana said, "I want my President to look toward the shrine of George Washington at Mount Vernon." I want him to look there, and I want him to remember the words of George Washington, for this is what George Washington said:

The basis of our political systems is the right of the people to make and to alter their constitutions of government.

We say that we want a constitutional amendment submitted. The Senator from Arkansas said, "You cannot deny the right of the Members of the Senate, the representa-

tives of the people, to vote upon this pending bill." We are saying that the Constitution does not belong to the Congress of the United States, it does not belong to the President of the United States. The Constitution belongs to the people. We are asking that the people of the United States shall have an opportunity to voice their opinion and to say whether or not they want the Constitution amended. This Court bill seeks to amend the Constitution by interpretative processes.

Oh, but it is said that it will take 15 years to amend the Constitution. Nonsense! Ratification of the "lame duck" amendment came in 11 months. Ratification of the prohibition and the repealing amendment each came within 14 months. Someone told me that a Senator stated that for \$50,000 they could stop a constitutional amendment in his State. If they can, his State is far more corrupt than any other State of the Union of which I know.

Take 15 years? We all know that under the Constitution of the United States a proposal to amend that instrument can be submitted, and I assure the Senate that Senators on this side who are opposed to the bill will vote to submit any reasonable constitutional amendment.

It can be provided in the proposed amendment that it must be voted on within 1 year or 2 years, and it can be provided that it must be submitted, not to the legislatures, but to conventions in the various States.

Now I shall read from a brief on this subject written by Mr. A. Mitchell Palmer, late Attorney General of the United States—

Mr. HUGHES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Delaware?

Mr. WHEELER. I yield.

Mr. HUGHES. As I recall, the Senator appeared before the Committee on the Judiciary and testified.

Mr. WHEELER. Yes.

Mr. HUGHES. He made one statement which appears in the record of the hearings before the committee about which I have thought much since that time. At the time it struck me as either conveying a meaning which probably the Senator did not intend, or I did not understand it, and I desire to read the statement and ask whether it reflects the Senator's position now. On page 497 of the printed hearings it is reported that the Senator made this statement:

When I was interrupted, I said that I had discussed this matter with practically all the Members of the Senate who are opposed to this proposal, and I think I speak for the vast majority of them when I say that if the administration will abandon this idea of packing the Court in order to have a constitutional amendment to meet the needs of the time as they see it, we will vote to submit any reasonable amendment which the administration may propose to meet these conditions.

Mr. WHEELER. I think that is correct.

Mr. HUGHES. Am I to understand, then, that the Senator meant at that time and means now that if those who favor this bill—that is, the President's bill, as the Senator calls it, and the substitute—will abandon the idea—

Mr. WHEELER. Of packing the Supreme Court.

Mr. HUGHES. Will abandon the idea and offer a constitutional amendment to meet the needs of the times as we see it, the Senator will vote to submit such an amendment?

Mr. WHEELER. Absolutely. That has been my contention at all times.

Mr. HUGHES. Then the objection of the Senator from Montana is not, as I understand, to the purpose of the bill but to the method by which it is sought to effectuate the purpose?

Mr. WHEELER. My contention is that the bill proposes to do something in an unconstitutional way. I want to see the people themselves vote upon the constitutional amendment or upon the proposed changes; and I say that the people of this country have a right to vote upon such a measure. No President, no Congress, has a right to change the Constitution. When I say that, I say it upon the best authority, because I repeat what Presidents of the United States have said, and what the present Attorney General

of the United States has said in a speech before the American Bar Association, to which I shall call the Senate's attention.

Mr. HUGHES. Then, as I understand, the contention of the Senator from Montana is that changing the number of members of the Supreme Court by an act of Congress is changing the Constitution in an unconstitutional way?

Mr. WHEELER. No. Of course, the Congress of the United States has the power to increase the membership of the Supreme Court of the United States.

Mr. HUGHES. Or to decrease it.

Mr. WHEELER. Or to decrease the number of members of the Supreme Court. The Congress of the United States has the power to withhold appropriations for the salaries of the members of the Supreme Court of the United States.

Mr. TYDINGS. Or the salary of the President of the United States.

Mr. WHEELER. Or the salary of the President of the United States; but such action would be against the spirit of the Constitution. If Senators want to get rid of Mr. Justice Roberts, if Senators want to get rid of Mr. Justice Butler, why do they not do what they can do under the Constitution; that is, refuse to appropriate money to pay the salaries of those Justices? Why do they not do that? Because they know that the people of the United States would not stand for it, and that it would be against the spirit of the Constitution.

Mr. HUGHES. I think I can assure the Senator from Montana that, so far as I am concerned, I would not think of doing any such thing with respect to any Justice of the Supreme Court. I would not tear down any Federal institution by denying the necessary support for it. That is as far from my mind as anything possibly can be.

Mr. BORAH. Mr. President, I do not desire the Senator from Montana to lose the floor.

Mr. HUGHES. I have no intention of doing anything to accomplish that.

Mr. BORAH. The Senator from Delaware is not in control of the intention. The Presiding Officer will determine the question.

Mr. WHEELER. Mr. President, if a Senator interrupts me, I wish to know whether or not I am going to lose the floor, and whether the rule covering such a situation is going to be enforced?

The PRESIDENT pro tempore. The Chair again states that the rule prescribes that a Senator may not speak more than twice on the same day on the same question.

Mr. WHEELER. Mr. President, let me say this—

The PRESIDENT pro tempore. Will the Senator from Montana permit the Chair to finish?

Mr. WHEELER. I beg the Chair's pardon.

The PRESIDENT pro tempore. Of course, that involves the other question as to what constitutes a day; whether it is a legislative day or a calendar day. The question will naturally arise only when some Senator makes the point of order that the Senator speaking has already spoken twice and therefore cannot speak again. Undoubtedly, when such a point of order is made, it will be determined eventually by the Senate. The Senator takes all the responsibility for what happens when he yields.

Also, it will have to depend upon the judgment of the Senator having the floor, and who has the power to stop from speaking longer the Senator to whom he has yielded, whether that Senator is asking a question or is speaking.

Later on, on a point of order based on the ground that the Senator has spoken twice, the Senate will determine whether the Senator has twice before yielded the floor for a speech by another.

Mr. WHEELER. I assumed that the Senator from Delaware rose to ask me a question.

Mr. HUGHES. Absolutely.

Mr. WHEELER. And I assumed that the Senator was asking me a question.

Mr. HUGHES. Yes; absolutely.

Mr. WHEELER. That was what the Senator had in mind.

Mr. HUGHES. Yes.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield for a question; yes.

Mr. BURKE. Is not the Senator from Delaware [Mr. HUGHES] laboring under a delusion in referring to the testimony of the Senator from Montana before the Senate Judiciary Committee with reference to a constitutional amendment? Is he not apparently of the opinion that the constitutional amendment to which the Senator from Montana referred was one dealing with the number of members of the Court, whereas is it not true that the Senator from Montana was referring to a constitutional amendment increasing the power of Congress in various matters?

Mr. WHEELER. Mr. President, I think the Congress of the United States should take the position, and those who are opposed to the bill should take the position, that they are willing to submit to the people any reasonable constitutional amendment which the President of the United States may submit to the Congress. I refuse to take the position that I will not let the people vote on any constitutional amendment which they see fit to vote upon. I take the position that if the people of the United States want to destroy their Constitution they have the right to do so, but nobody else has that right. The people of the United States have the power and they have the right to destroy the Constitution if they want to do so. They can destroy the Constitution, they can destroy their form of government, if they want to do so. But I have no right, nor has any President of the United States the right, nor has any member of the Supreme Court the right to make such a change. None but the people of this country have that right.

Mr. President, I hope that makes my position clear.

Mr. HUGHES. It does not make it quite clear, if the Senator will pardon me.

Mr. TYDINGS. Mr. President, I should like to ask the Senator a question.

Mr. WHEELER. I yield.

Mr. TYDINGS. The Senator has stated that he would favor a constitutional amendment to accomplish the object of this bill. Would the Senator from Montana likewise favor this particular piece of pending legislation, assuming that it was amended so as to exempt sitting members of the Supreme Court from its provisions?

Mr. WHEELER. I have already indicated my position. If it eliminated the present members of the Supreme Court, while I have not completely made up my judgment upon that subject, I feel that we should then have before us quite a different proposition from that presented by this bill, because the present members of the Supreme Court took their office with the implied understanding that they were going to hold it during good behavior for life. They can be impeached. If the Senator from Pennsylvania [Mr. GURFEY] and others who have spoken against certain members of the Supreme Bench think they are so bad and so terrible and so wrong, why do they not move to impeach those members? They do not do so because they know they cannot sustain their charges.

I do not know that I have answered the Senator's question.

Mr. TYDINGS. Yes; I think the Senator has done so.

Mr. WHEELER. However, if a man is appointed to the Supreme Court bench, and when he is appointed he knows that if he does not get off the Supreme Court bench somebody is going to be appointed to help him, because it is the thought of the Congress that when he reaches 75 he is an imbecile and he ought to have help, that is quite a different proposition from now imposing our will upon the members of the Supreme Court.

So, Mr. President, when we are talking about the people, and about submitting the issue to the people, and objecting to the refusal to let the people vote, and not letting their representatives vote—when such questions are raised, I say that those who are opposed to the pending measure, and who are willing to submit a constitutional amendment to the people, are not only advocating the constitutional method of changing the Constitution, but are advocating the use of the democratic way. We are taking the democratic way of amending the Constitution because we say that the people

should vote on the question. We not only say that, but we say that the legislatures do not need to vote on it; that the question may be presented to the people, and it may be determined, under the rule laid down by Mr. Justice Van Devanter, by conventions called to pass upon the matter, the delegates to such conventions to be elected, and the issue to be presented on the question of whether the delegates who are to be elected are for or against the proposed constitutional amendment.

No other issue would be involved. The people would vote directly upon that question.

Why is not that done? Why do not Senators propose such action? Because they do not dare to submit that question to the people of the country.

I wish now to quote from the brief of former Attorney General Palmer. Who was he, in addition to being Attorney General under Mr. Wilson? He was the man who in 1932 wrote the first draft of the Democratic platform. Is there anyone who questions that statement? I was a member of the resolutions committee of the Democratic Party in 1932, and Mr. Palmer drafted the Democratic platform of that year. He submitted it to the Democratic Members of Congress, the leaders here, before it was ever submitted to the convention, and it was adopted almost exactly as he wrote it. What does he say upon the subject? He quotes from Mr. Justice Van Devanter.

Mr. President, first I wish to quote from Mr. Justice Brandeis, as follows:

The second contention is that, in the constitutions of several of the 36 States named in the proclamation of the Secretary of State, there are provisions which render inoperative the alleged ratifications by their legislatures. The argument is that, by reason of these specific provisions, the legislatures were without power to ratify. But the function of a State legislature in ratifying a proposed amendment to the Federal Constitution, like the function of Congress in proposing the amendment, is a Federal function derived from the Federal Constitution; and it transcends any limitations sought to be imposed by the people of a State.

Mr. Justice Van Devanter said what? Mr. Palmer quoted from Mr. Justice Van Devanter as follows:

Of the power of Congress, keeping within reasonable limits, to fix a definite period for the ratification we entertain no doubt. As a rule the Constitution speaks in general terms, leaving Congress to deal with subsidiary matters of detail as the public interests and changing conditions may require; and article 5 is no exception to the rule. Whether a definite period for ratification shall be fixed, so that all may know what it is and speculation on what is a reasonable time may be avoided, is, in our opinion, a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification.

Then the Attorney General said:

The Constitution is not a compact between the States, but it was adopted by the people, and therefore does not require State action to amend.

So I say to Senators who maintain that a constitutional amendment could not be adopted; that it would take too long; that somebody could stop it with \$50,000; that that just is not so, because the Supreme Court has already spoken upon that issue and the Constitution itself is very plain upon it.

I wish to call attention to what the present Attorney General said.

Mr. COPELAND. Mr. President, will the Senator yield for a question?

Mr. WHEELER. I yield.

Mr. COPELAND. Has the Senator given any thought to the possibility of the formulation of an amendment which would somewhat widen the powers of the Congress to deal with certain questions that are close to the hearts of many Members of the Congress and in that way obviate all discussion and the necessity of change in the Court, for, if the powers of the Congress were widened, of course, that would mean that no matter what group of Justices might sit on the Court, they would be governed by that particular feature of the Constitution. Has the Senator given any consideration to that question?

Mr. WHEELER. Yes; several of us have given consideration to that question, but we all know that an amendment

cannot be adopted unless it is proposed and is to the liking of the administration.

The present Attorney General of the United States, speaking before the American Bar Association, said that the way to go about changes in the Constitution, if the courts decided wrongly, was to submit a constitutional amendment, and the fathers of this Government said so in the beginning.

Mr. BARKLEY. Mr. President, may I ask the Senator a question in order to clarify the matter?

Mr. WHEELER. Yes.

Mr. BARKLEY. Is it the Senator's contention that under the Constitution the pending bill is unconstitutional?

Mr. WHEELER. Of course, it is constitutional, just as it would be constitutional for the Congress to refuse to appropriate money to pay the salaries of Federal judges. That would be constitutional but it would be against the spirit of the Constitution.

Mr. BARKLEY. Whatever the reasoning and the comparison, the Senator admits that Congress can do this in the way proposed?

Mr. WHEELER. Congress, of course, can refuse to appropriate money for the President of the United States and make it impossible for him to act in the capacity of President. The Congress of the United States can refuse, I repeat, to appropriate the money for Justice Butler, for Justice McReynolds, or for any other Justice of the Supreme Court of the United States by saying that no part of the money appropriated shall be used to pay the salary of a particular Justice.

Mr. BURKE. Mr. President, will the Senator yield there?

Mr. WHEELER. I yield.

Mr. BURKE. On the point raised by the Senator from Kentucky [Mr. BARKLEY], while it must be admitted that the Constitution leaves it to the Congress entirely to fix the number of the members of the Court, does that necessarily mean that Congress is vested with the authority to turn over to somebody else the right to determine whether the Supreme Court shall consist of 9, 10, 11, or some other number of Justices?

Mr. WHEELER. I wish to consider that point a little later on.

Mr. BURKE. Very well.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. WHEELER. I yield.

Mr. CONNALLY. In connection with the question of the Senator from Kentucky, let me ask the Senator from Montana a question. The Senator from Kentucky asked if Congress had not the constitutional power to increase the number of judges. Is it not true that Congress has the power to regulate the number of Justices on the Supreme Court for the purpose of making the Court of sufficient size to transact its business and efficiently to dispose of that business, but that Congress has no constitutional power to subtract from or to add to the Court for the purpose of destroying the Court?

Mr. WHEELER. Of course, such an act would be against the spirit of the Constitution. I am sorry the junior Senator from Kentucky [Mr. LOGAN] is not present, for he said yesterday that the spirit of the Constitution and the letter of the Constitution were the same thing. Let me quote what James Truslow Adams says about that. He says:

To use the letter of the Constitution for a purpose not intended, and subversive to the whole constitutional structure, cannot be considered a constitutional act, although it may be a legal one.

Now, let us come to the question whether or not the pending proposal is within the spirit of the Constitution and whether or not there is any difference between the spirit and the letter of the Constitution.

The President of the United States a few weeks ago had something to say about those who obey the letter of the law while violating its spirit. I should like to read from the message the President sent to the Congress on June 1 of this year. I quote:

Mr. Justice Holmes said, "Taxes are what we pay for civilized society." Too many individuals, however, want the civilization at a discount.

Methods of escape or intended escape from tax liability are many. Some are instances of avoidance which appear to have the color of legality; others are on the border line of legality; others are plainly contrary even to the letter of the law.

So the President of the United States, in his tax-evasion message, plainly recognized the difference between the spirit of the law and the letter of the law.

In that message the President said further:

All are alike in that they are definitely contrary to the spirit of the law. All are alike in that they represent a determined effort on the part of those who use them to dodge the payment of taxes which Congress based on ability to pay. All are alike in that failure to pay results in shifting the tax load to the shoulders of others less able to pay and in mulcting the Treasury of the Government's just due.

Very definitely the issue immediately before us is the single one relating to the evasion or unethical avoidance of existing laws. That should be kept clearly in mind by the Congress and the public. Already efforts to befog this issue appear. Already certain newspaper publishers are seeking to make it appear—first, that if an individual can devise unanticipated methods to avoid taxes which the Congress intended him to pay, he is doing nothing unpatriotic or unethical; and, second, that because certain individuals do not approve of high income-tax brackets, or the undistributed earnings tax, or the capital gains tax, the first duty of the Congress should be the repeal or reduction of those taxes. In other words, not one but many red herrings are in preparation.

In his message the President said further:

It is also a matter of deep regret to know that lawyers of high standing at the bar not only have advised and are advising their clients to utilize tax avoidance devices, but are actively using these devices in their own personal affairs. We hear too often from lawyers, as well as from their clients, the sentiment, "It is all right to do it if you can get away with it."

"It is all right to do it if you can get away with it"; but it is against the spirit of the law.

I am confident—

The President says—

that the Congress will wish to enact legislation at this session specifically and exclusively aimed at making the present tax structure evasion-proof.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 1, 1937.

The Senator from Arkansas [Mr. ROBINSON], the distinguished Democratic leader, commenting a few minutes later on the message, said—I quote from the CONGRESSIONAL RECORD of June 1:

Only a few words will suffice for what I have to say at this time. The message of the President, based on information supplied by the Treasury Department, reveals a shocking condition pertaining to evasions—

Of what?—

of the spirit of our income-tax laws. No doubt, as is stated in the message, there are numerous other instances that have not as yet come to light of the law either being violated or its spirit being evaded.

Oh, yes, Mr. President, there is a difference between the spirit of the law and the letter of the law. At a hearing a short time ago before the Interstate Commerce Committee when some men came before that committee to testify I said as to certain members of the New York Stock Exchange who were allowing some people to obtain stocks at a price lower than was accorded to the general public that that was in the nature of a bribe. They came back saying that it was no violation of the law. I said, "No; it is no violation of the law, but it is morally wrong." So I say it is morally wrong to do by indirection what cannot be done by direction. It is morally wrong to change the Constitution by coercive interpretation. It is morally wrong to put men on the Supreme Court for the express purpose of getting decisions in accordance with the views of Congress or in accordance with the views of the executive department.

I submit that no Senator who really believes in the Constitution of the United States, who believes in a democratic

form of government, who believes in and has confidence in the people, can go before his constituents and say, "I did not dare to submit a constitutional amendment to you because I was afraid to trust you. I was afraid you would be corrupted by the 'economic royalists' in Wall Street. I was afraid Mr. Mellon might corrupt the State of Pennsylvania. Therefore I did not care to submit a constitutional amendment to the workers and laborers of Pennsylvania."

Not only that, but if we provided a method of ratification by conventions, it might be that some spooks would show up. Who is seeing the bogey man now? Who is it that is seeing the man on the stair when no man is there? Who is it? It is the man over in Berlin, the Ambassador to Germany, who said somebody was going to raise a fund of \$10,000,000, or \$100,000,000, or \$1,000,000,000 to set up a dictatorship in this country. A dictatorship cannot be set up in this country if we maintain the Constitution of the United States and keep the three departments of government independent of one another. A dictatorship cannot be set up in this country if we go before the people and submit this proposal to the people, and the reason why that is not done is because its proponents do not dare to do it.

Furthermore, with reference to these terrible judges, particularly the politician on the bench whom the Senator from Pennsylvania [Mr. GUFFEY] mentioned, no one dares to introduce a bill containing a provision that "no part of this appropriation shall be used to pay the salary of Chief Justice Hughes." The Senator from Pennsylvania does not dare to go before the people of his State and propose such a thing. He does not dare go before the people of Pennsylvania and say, "We want no part of this appropriation to be used for paying the salary of Justice Roberts." That would be constitutional, but who would for a second say it would be morally right? No; the people would not stand for it.

A suggestion was made that I ought to feel sorry for the company I am keeping. Who compose the company I am keeping? Let us call the roll. First is the senior Senator from Minnesota [Mr. SHIPSTEAD], elected on the Farmer-Labor ticket. Who else is in my company? The junior Senator from North Dakota [Mr. NYE], who was elected by the farmers and laborers of his State, and the senior Senator from North Dakota [Mr. FRAZIER], elected by the Non-Partisan League of North Dakota.

I also find in my company the senior Senator from Wyoming [Mr. O'MAHONEY], one of the outstanding liberals who fought for the Democratic Party and made the State of Wyoming Democratic through his outstanding ability. Yet the statement has been made to me, "We made Senator O'MAHONEY." No; that is not so. That Senator was made a long time before some of the New Deal liberals were ever heard of.

Who else is in my company? Who are some of the others of this bad company I am keeping? The senior Senator from Nebraska [Mr. NORRIS] does not like the bill and does not think it provides the proper means of accomplishing the purpose.

We are told it is the same group, the same forces that fought the President in the last election. Is the senior Senator from Missouri [Mr. CLARK] one of the elements that fought the President in the last election? Is the Senator from Wyoming [Mr. O'MAHONEY] one of them? Is one of them the Senator from Nevada [Mr. MCCARRAN], who is known on the floor of the Senate as the greatest champion of labor in this body? He is looked upon in his State as an ultra-liberal. Does he belong to the same element? Does the Senator from Iowa [Mr. GILLETTE] belong to the same element? Oh no! Does the Senator from Alabama [Mr. BANKHEAD] belong to the same element? No, indeed! Does the Senator from California [Mr. JOHNSON] belong to that element? Does the capable and well-known senior Senator from Idaho [Mr. BORAH] belong to the same element?

Yes, I am in bad company indeed. I am with practically every liberal who has stood on the floor of the Senate and fought for the liberal cause long before Jim Farley was ever heard of. I stood side by side with the liberals of the

country while other Members on this side of the Chamber were fighting for and as a part of the machine created during the Hoover administration.

What about the press of the country? What about the New York Times? The New York Times did not belong to the "economic royalists" when supporting Roosevelt in 1932. The New York Times was not an "economic royalist" when it supported Roosevelt in 1936. What about the Scripps-Howard newspapers, the most liberal newspapers in the country? They have supported Mr. Roosevelt's legislative program and have gone down the line for him, and yet they have refused to follow him on the bill now before us.

The minute a Senator is known to be opposed to the President's bill he is denounced as a "defeatist", an "economic royalist", who has sold out to Wall Street. What bigotry! Only those who vote for everything the President wants are liberals. Those whose consciences impel them to disagree even once immediately are "defeatist lawyers" or "economic royalists."

Mr. President, coming back to the Constitution, of course, it is within the letter of the Constitution to pass this bill to put another Justice on the Supreme Bench. Yes; it is within the letter of the Constitution to provide in the bill that if a member of the Supreme Court is opposed to the measure, then his salary shall not be paid; or another provision could be inserted that salaries of members of the Supreme Court shall be increased if they favor the bill; but either would be morally wrong. It would have been constitutional to have added a provision to the N. R. A. bill to increase their salaries, but it would have been morally wrong; it would have been against the spirit of the Constitution.

Mr. President, the President did not charge those whose names were mentioned before the Joint Committee on Tax Avoidance with a violation of the letter of the law. He charged them, and the Treasury Department charged them, with having violated the spirit of the law. They were held up and pilloried. I have not any objection to that, but they were pilloried not for breaking the law but for a violation of the spirit of the law—for doing an illegal act in a legal manner.

We are told that there is great opposition to 5-to-4 decisions. Let us examine that matter for a moment. There is no longer any need for the passage of this bill because of 5-to-4 decisions. There is a vacancy on the Supreme Court. Why has not that vacancy been filled? We all know the reason, and it is not necessary for me to state it at this time.

We do not need to fear 5-to-4 decisions, because we will no longer have them. If the judge to be appointed does not disappoint the proponents of the bill, they can have 6-to-3 decisions, or they can have at least 5-to-4 decisions. The administration can be sure of such decisions on any reasonable proposition. They can be sure of 5-to-4 decisions in their favor. There is no longer any "no man's land." There is no longer any "Mr. Justice Roberts' land." Think what happened when Mr. Justice Van Devanter resigned. Proponents of the bill have been wanting resignations, but when he resigned just think of the statement that was made! "One down and five to go" was the comment made by the Secretary to the President of the United States.

There is a word in use in New England with which many are familiar which describes the sort of discussion that has been taking place on the part of the proponents of the bill, a word that describes it better than any other expression I can think of. That is the word "cheap." It was cheap for the Secretary to the President of the United States to say "One down and five to go", "One down and four to go." It was cheap, Mr. President, for the Postmaster General to say, "We have it in the bag." It was cheap for him to say that he would let the Senate talk; he would let the Congress talk. It was cheap to make the arguments that have been made to intelligent men upon the floor of the Senate. It was cheap, I say, to appeal to Members here and say, "You rode in on the President's coattails, and now you owe it to him to vote as he wants you to vote." It was

cheap to say, "You are going to break the President's heart unless you vote for this bill."

What have we come to in this body, when a great issue is before the Senate affecting the Constitution of the United States, affecting the fundamental principles upon which the Government is founded, and Senators are told, "You must vote for the bill because you rode in on the coattails of the President of the United States, and he wants it"? Is that what the people of Mississippi sent the Senator from Mississippi to the Senate for? Were Senators sent here to say "yes", or were they sent here to think?

Mr. President, with reference to 5-to-4 decisions, we are told that we shall have no more of them if this bill is passed. As a matter of fact, under the bill we may not only have 5-to-4 decisions, but we may have 6-to-7 decisions, 7-to-8 decisions, 5-to-5 decisions, or 7-to-7 decisions. What does that mean?

Let me ask my friends who are so bitter against 5-to-4 decisions to consider what may happen under this bill. A district judge out in Podunk declares an act of Congress unconstitutional. The case is appealed directly to the Supreme Court of the United States. The district judge in question, perchance, has been appointed not because of his ability, not because of his legal attainments, but because some Senator wanted him appointed, because he has been the Senator's partner or has been his political friend. He declares the act unconstitutional and the case goes to the Supreme Court. There are 10 members upon the Supreme Court, or 12 members upon the Supreme Court. They divide upon the issue 5 to 5 or 6 to 6. What happens? The decision of the lower court stands. That district judge in Podunk has knocked out the law and held it unconstitutional. There has been no 7-to-5 decision, no 6-to-5 decision; but the single judge out in Podunk, without any legal ability, appointed for purely political reasons, has declared the law unconstitutional and his decision stands. He is the man who ultimately is responsible for its being held unconstitutional—not Roberts, not Hughes, not Brandeis, not Cardozo, not the other Justices, but this judge in Podunk, this judge appointed at the behest of some crooked political boss, perhaps, in one of the great cities of this country that is reeking with political corruption and crookedness.

We are told that that is the constitutional way in which to have the validity of laws of Congress determined; that their constitutionality should be determined not by five men but by one man, and that one man may be a political boss from some corrupt city of the United States.

That is why I have said the substitute bill ought to go back to the committee and be studied. It would not speed up justice, as we were told. It would do nothing of the kind. It would not obviate 5-to-4 decisions. It would result in a condition a thousand times worse than that brought about by 5-to-4 decisions. It would make it possible for cases to be decided by a vote of 7 to 7. It would make it possible for one man, a lower court judge at that, to decide cases; and yet great statesmen want to see that kind of a law placed upon the statute books of the United States. They want to see that kind of a court empowered to pass upon the validity of acts of Congress. That is what they are trying to force down the throats of the people because they are afraid that if it were not done it might "break the President's heart"!

Incidentally, who was it that declared the second Frazier-Lemke Act unconstitutional? Whom do you suppose it was? Some judge appointed by this administration out in Illinois or Pennsylvania—appointed at the behest of the Senator from Pennsylvania or the Senator from Illinois, one or both of them—declared the law unconstitutional. The case went to the Supreme Court of the United States, and that Court declared the act constitutional.

After all, speaking of 5-to-4 decisions, do we want a Supreme Court that simply will agree entirely with our viewpoint? Is that what we want? Let me call attention to the fact that it is out of the clash of opinions that the truth comes. The worst thing that could happen to Congress, the worst thing that could happen to the country, would be to

have but one strong political party. We get better legislation in this body because we have a clash of opinions as to proposed legislation. We get better bills out of committees when we have a clash of opinions. The American form of government depends upon the clash of opinions of its people, and not upon a subservient people who are voting as they are told to vote because they are getting hand-outs from the Treasury of the United States.

We are told that all the farmers of the country are for this measure. Let me say that I was out in Montana not long ago. Many farmers came to see me and said, "I am with the President. I do not know anything about this bill, but I am for it because I think the President wants it." Labor leaders came to me and said to me, "I am for the bill because I think the President wants it. I do not know anything about it." W. P. A. workers came to me and said, "I am on the public pay roll, and I want the bill because the President wants it. That is the reason." I say to the Members of the Senate, however, that practically every man with whom I have come in contact, from one end of the country to the other, who has given the question any serious thought or who knows anything about our problems or our Constitution is opposed to this measure.

If the contention of those who favor the bill is correct, why have a written Constitution at all? A great many persons in this country think there is not any need for a written Constitution; but why do we have one? We have one, my friends, because my forefathers, like the forefathers of most of the Senators, had left foreign shores, where they had seen the tyranny of one-man government in Europe. Some of them had been driven out of England by James I, who said to them, "Unless you conform, I will harass you out of the country"; and he did harass them until they left that country. He drove them to Holland, and then they came to America and settled upon the shores of this great country of ours. They fought the American Revolution; they spilled their blood and many of them died, all up and down the Atlantic seaboard, in order that you and I, their posterity, might have a democratic form of government assured by a written Constitution.

When the framers of the Constitution met in the assembly in Philadelphia they did not write the Constitution simply to protect themselves, but they remembered some of the things that had occurred before. They remembered the six men of Dorset and the six farm laborers who had assembled for the purpose of petitioning for higher wages, and were banished from England for so doing. So they wrote into the Constitution of the United States a provision that the right of free assemblage should be guaranteed in the United States of America.

They wrote it into the Constitution because those six men were banished from England and sent to Australia. They also wrote into the Constitution that no man should be banished from this country on account of crime. Remembering that Mary, Queen of Scots, before she was beheaded, asked and pleaded that she should be confronted with her accusers, they wrote into the Constitution of the United States that every accused person should be confronted by his accusers, that he should have the right of trial by jury, and that he should have the right to a writ of habeas corpus. They remembered that in European countries the army had been able to enter a man's home and take possession of it; so they wrote into the Constitution of the United States a provision to the effect that no general, no Army officer, no matter whom he might be, in peacetime should be permitted to quarter his troops in the home of a citizen; and if he tried to do so, the citizen could say to him, "Go on down the road."

I might go on and enumerate the other provisions of the Bill of Rights, and say that because of what had been done in Europe the forefathers not only wanted to lay down those principles but they wanted to make those rights inalienable to the people of this country for all time to come.

Oh, but it is said, "What has that to do with the Court-packing bill?" If four men can be put upon the Supreme Bench to override the Constitution of the United States in one particular, they can say as to every other provision of

the Constitution of the United States that it shall be inoperative. They can say whatever they choose to say, and make the Bill of Rights become as nothing to the people of this country.

I am told that labor is for the bill and that the farmers are for it. A man was sent out to my State to line up the people. When I went out to Montana, who came out and followed me around to pretty nearly every meeting? The only labor leader who followed me around and made any speeches was the associate editor of the Daily Worker, Mr. Bill Dunn, a man whom I defended some years ago, without charge, when he was indicted for sedition.

He held a meeting and supported the President's proposal in the city of Butte, and in several other places throughout the State. Is he for it because he is for the President of the United States, or is he for it because he believes that it is the first step in tearing down constitutional government and bringing about a dictatorship?

Mr. President, I say that there is nothing liberal about the proposal before us; there is nothing progressive about it. It has been dressed up in gaudy clothes for the purpose of attracting the fancy of some of the younger generation, who have not given it any serious thought and do not know that the liberties which have become commonplace to us were earned only by the lifeblood of our forefathers. Our liberties are so commonplace that few people give any serious consideration to them.

Why should we be zealous about this cause? When we look at world affairs we realize that in Germany there is a dictator, under whose iron heel are 70,000,000 people. How did he come into power? On what plea did he come into office? He came in under the constitution of Germany. Every step that was taken by him at first was taken in a constitutional way. Mr. Hitler acted "to meet the needs of the times."

Mussolini came into office upon the plea that he would improve economic conditions and he assumed the power of a dictator and abolished the legislative body of Italy and set up his own court, in order that he might "meet the needs of the times" in that country. In every place where a dictatorship has been set up it has been done "in order to meet the needs of the times."

Let me quote Mr. Justice Brandeis. He said:

Experience should teach us to be most on guard to protect our liberty when purposes of government are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded persons. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.

I quote also from Mr. James Bryce, formerly British Ambassador to the United States, who said:

When all of the public lands have been taken up, homes for the people will be more difficult to obtain; that will continue to increase the evils of tenantry; then pauperism, now confined to some six or seven States, will become universal throughout America; labor will either fall, or lack employment, and cost of living will rise to a height unbearable. * * * Will the American voter patiently bear the stress of periods of hard times, or will they experiment with vain and foolish things; and then the evils will appear in this virgin soil that now plague the crowned heads of Europe.

The beginning of this pressure will not be later than 30 years hence.

For when this pressure is upon the country, and in their effort to try vain and foolish things, they will be prone to increase the number of Supreme Judges, in order to overturn all the decisions of that Court; and thus at one stroke will the American Commonwealths be destroyed.

Probably, in the opinion of the distinguished Senator from Kentucky [Mr. LOGAN] Lord Bryce was seeing a man on the stair when there was no one there.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CLARK. With due respect to the opinion of the Chair and the Senator from Arkansas, I will put my interruption in the form of a question.

Would the Senator be so presumptuous as to set up the opinion of such a man as Lord Bryce on constitutional government against the opinion of the distinguished Senator from Kentucky?

Mr. WHEELER. Oh, no; I would not; but others might. The Senator from Kentucky is now in the Chamber. I am sorry he was not here when I read what the President said about the difference between the spirit of the law and the letter of the law. When the bill came to Congress providing for six judges in the first instance, we were told that the Supreme Court was back in its work, and that that was the reason why it was necessary to have more members on the Court. Then we were told that the Court had improperly denied something like six or seven hundred petitions for writs of certiorari. Then we were told that the judges were old and that they were unable to do their work, and so they should be forced off the Court. These contentions were disproved. But still the distinguished Senator says there is no intention of forcing them off the Court. However, the Senator from Arkansas, in response to a question from me just the other day said there was not any doubt in his mind but that they probably would get off. In answer to a question from the Senator from Vermont [Mr. AUSTIN] the Senator from Arkansas [Mr. ROBINSON] stated:

I should think that we might regard it as an expression of the public opinion of the Nation that one who has reached the age of 75 years had best avail himself of the privilege of retirement. But the Senator from Vermont, whose imagination is quite unbounded and whose genius for the conception of possibilities is greater than my own, is entirely able now, as he was before he asked the question, to form his own conclusion.

He said again:

I should not regard it as a national calamity if any Justice availed himself of the privilege of retirement any more than I have regarded it as a calamity when other Justices have retired at the age of 70.

The Attorney General of the United States said if they do not like this law, let them get off. What is the object of passing the proposed legislation? There is just one reason behind it. Its proponents may camouflage it just as much as they desire, but the Attorney General said that they want a court to meet the needs of the times. What does that mean? What are the needs of the time? Who is to judge what are the needs of the time?

I think I stated before upon this floor that the needs of the times are like the shifting sands upon the beach. What may be the needs of the times today may not be the needs of the times tomorrow. If a President comes into office with a great majority behind him, is he going to say, "I have 11,000,000 majority, I have a Congress which is subservient to me, so I am going to increase the membership of the Court, because I want men there who are going to decide in accord with the needs of the times"?

There are courts in Germany, there are courts in Italy, there are courts in Russia, and men are placed on them to meet the needs of the times as the dictators see the needs, and those judges do what the dictators want them to do. Can the Democratic Party afford to be placed in the position of saying to the people of this country, "We are going to put men on the Supreme Bench to meet the needs of the times as we see them"?

A distinguished Member of this Chamber a few years ago thought the needs of the times were such that he would probably be elected President of the United States upon an issue which was inflaming the minds of the people of the country at that time. Had he then been elected President of the United States, what do Senators think he would have thought were the needs of the times at that time?

Oh, the needs of the times! The needs of the times. The people of the State of Oregon thought the needs of the times in the State of Oregon required that a law should be enacted providing that its citizens should have their children educated in no other place than in the public schools. That was done because of what they thought were the needs of the times. That was done because it was thought, it was in the minds of—not the legislature, not the Governor—but the peo-

ple of the State of Oregon; and the Supreme Court of the United States of America declared that law unconstitutional.

We know that the idea of the needs of the times, and of having judges to meet the needs of the times, is not anything new. The great political organizations such as Tammany and such as may be in the State of Pennsylvania want judges upon the bench to meet the needs of the times as they see them.

Senators, I am in favor of correcting evils; and I stand before the Senate and before the people of the country and say that abuses practiced by the courts of the land should not continue. There has been racketeering on the part of some judges in the matter of the appointment of certain referees in bankruptcy, and such practices ought to be stopped. We ought to stop them. This bill, however, does not stop them in the slightest degree.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. McCARRAN. Does the Senator recall that a special committee, of which the able junior Senator from California [Mr. McAbbot] was chairman was appointed by the United States Senate to investigate the very matter to which the Senator from Montana now refers—namely, corruption with reference to bankruptcy matters and fees allowed—and does the Senator further recall that the committee up to date has apparently done nothing to relieve that situation?

Mr. WHEELER. That is my understanding; and I understand that the Senator from Nevada has been vitally interested in the investigation.

Mr. President, not only do I take the position I have just described but I should be willing to go so far as to say that no Member of the Senate and no Member of the House should be permitted to appear before any Federal judge who was appointed to the bench while such Member of Congress was in the Congress; and I would even go further than that and say that no Member of Congress should practice in the Federal courts, if it is desired to go that far. However, that evil would not be corrected by this bill. The law's delays would not be overcome by increasing the number of members of the Supreme Court. On the contrary, let me quote the President of the United States himself on that subject.

While my clerk is looking for the particular memorandum in question, let me call the Senate's attention further to the subject of the particular needs of the time. The State of Nebraska passed a law to the effect that the German language should not be taught in the schools of Nebraska. The State of Nebraska thought that was in accordance with the needs of the time.

That occurred during the Great War hysteria, when people were seeing bogeymen, and when they wanted every man who had a German name to be sent to the penitentiary because of his name. But the Supreme Court of the United States, bad as its members may be, and having great politicians among its members, as some distinguished Senators have pointed them out to be, said that law was contrary to the Constitution of the United States.

Then a case arose concerning one Angelo Herndon down in Georgia who was a Communist, and was found with Communist literature in his pocket. He was arrested under an old statute in the State of Georgia duly enacted by the legislature of that State. The Georgia Supreme Court upheld his conviction, and sentence of 18 years' imprisonment for "having incited to insurrection." The Supreme Court of the United States, removed as it was from mob hysteria, freed him. Of course, the Court disagreed with his political philosophy, but notwithstanding that fact it turned him loose because it said his arrest, prosecution, and trial were contrary to the Constitution of the United States of America.

What were the needs of the times during the reconstruction era following the Civil War? Senators from the South will find that at some time a man will come here as President of the United States who will say to southern Senators and to their States that the needs of the times require

action which is going seriously to affect the economic life of their States and their people. Make no mistake about it.

So, my friends, the needs of the times, I repeat, are like shifting sands upon the beach. The needs of the times are one thing today and something else tomorrow. When men are appointed upon the Supreme Court Bench to interpret the Constitution to meet the needs of the times, I say that a step is being taken which is reactionary. A step is being taken which, while it is within the letter of the Constitution, is against the spirit of the Constitution, and I defy anyone who knows the difference between the spirit of the law and the letter of the law to deny that statement.

I think I have once before quoted to this body a statement made by the President of the United States on the question of increasing the Supreme Court of the United States to meet the needs of the times. Why should I be accused of breaking the heart of the President, why should I be accused of being in bad company, when I agree now with the statement which the President of the United States made a few years ago? This is what he said in 1933:

In the face of this congestion the remedy commonly proposed is to add new judges or new courts, but it will readily be seen that, if the problem is what I have stated it to be, such a so-called remedy merely aggravates the complaint. There are, of course, legitimate demands for additional judicial manpower in sections where the population has grown rapidly. But it is easy to see that to apply this remedy in all cases is to add to the ravages of the disease, to contribute to the confusion, and, what is profoundly important at this time, to burden still further an already seriously embarrassed taxpayer.

Senators were told that they rode in on the coattails of the President of the United States and that they ought to support him for that reason; that they ought to support the measure because of party loyalty; that they ought to support the bill because some economic royalist disagrees with the President; that they ought to support the measure because some newspaper or some Republican says it is wrong; that they ought to be intimidated and afraid to vote their own convictions. Yes; but who first said that which we who oppose the measure are now saying? The President of the United States, in 1933. When Senators vote against this bill to increase the Supreme Court to "meet the needs of the times", to make it subservient, they are only doing what the President of the United States in 1933 said was the right thing to do. He said it before the Republicans said it. He said it before any of the newspapers he is now criticizing said it. He said it before those now opposed to him in this matter said it. Am I attacking the President of the United States because I am agreeing with what he said in 1933?

Is every Democrat who is opposed to the pending measure trying to break up the Democratic Party because he agrees with what the President said in 1933?

Certainly I want to stand behind the President of the United States. I challenge any Member of the Senate to point to anyone who has stood by the President to a greater degree or tried more earnestly to help secure the enactment of legislation desired by him or supported him in connection with more legislative matters than I have.

It is distressing to have to stand up here and disagree with the President of the United States, with any President of the United States, upon a vital, fundamental issue before the country. Particularly is it distressing for a Senator of the United States to have to stand up and disagree with the President of the United States when he is of his own party. It is even more distressing to me to have to stand up here and disagree with the President of the United States when he has been a personal friend of mine over many years. There is no judgeship dangling before my face, though. [Laughter.] I am not seeking a place upon the circuit court of appeals or upon any other court. The President has been most generous in his treatment of me; he has probably been as friendly to me as he has to any other Member of this body; but there comes a time in the life of every man, whether he was elected on the coattails of the President or not, when his own conscience must tell him whether or not he is going blindly to support the President.

I was the first Member of the Senate to come out openly and espouse Mr. Roosevelt's cause. Where were some of my Democratic colleagues when I was out beating the brush over the country trying to line up delegates in the pre-convention campaign? Where were they in Chicago? Where were they after the convention in Chicago? Some of them thought that the lightning was going to strike them in Chicago. [Laughter.]

Not only that, Mr. President, but when some man issues a statement prepared by the Democratic National Committee indicating that I am not a friend of the President of the United States, let me call attention to the fact that I went out to the Chicago convention and spent 10 days there, at my own expense, fighting for Mr. Roosevelt's nomination. I know what went on there; I know what went on on the inside; and I know where every man who is now a Member of the Senate stood in that convention and how he felt with reference to the nomination of Mr. Roosevelt. I know how many of the people who are now on the pay roll of the Government stood at that time, people who now call themselves great liberals. They are liberals only because they think it is popular to be liberal.

Mr. SHIPSTEAD. And it pays.

Mr. WHEELER. And, as the Senator from Minnesota suggests, it pays to be liberal. One can afford to be liberal when he is on the public pay roll.

I know it is being whispered around that Senator WHEELER has changed his economic views; that he has gone back on the President; but I will be fighting the liberal cause when many of the so-called officeholding liberals who are now in Washington will have gone back to the caves of Wall Street to work for the economic royalists.

When does a man become an economic royalist? Does he become one when he fails to support an administration proposal here in Congress? I noticed in this morning's newspapers an item to the effect that the president of the great United States Steel Corporation might be appointed to some diplomatic post. A great liberal; a great progressive! When did he cease to be an economic royalist and become a great progressive liberal? Where were some of these men in 1924? They were supporting the man who they now denounce as the great chief of the Liberty League. Where were they? They were not found espousing the progressive cause at that time, and they will not be found espousing it when it ceases to pay and the patronage stops and the jobs stop and when they cannot get any more projects for their States. Their liberalism continues just so long as they get patronage, pap, and jobs.

Of course, Mr. President, there have been abuses in the Court. I have been one who has disagreed with them, and I expect to disagree with them again, but I am unwilling, on the basis of some specious argument or of some subterfuge that defies the spirit of the Constitution to participate in setting one of the most dangerous precedents that has ever been conceived by this Congress or any other. I am unwilling to go along with a proposal of this kind even if it may be said of me that I am associating with Republicans on the other side.

It is suggested by a Senator near me that half the present Cabinet are Republicans. The Secretary of the Interior went out and made a speech in Chicago in which he referred to "pseudo liberals" and said something about Democrats. I have always had a high regard for the Secretary of the Interior, but it ill behooves him to talk about Democrats and to say anything about somebody trying to break up the Democratic Party or to destroy the Democratic Party. I do not like to become personal in matters of this kind, but when men try to malign others because they disagree with them I say they have no business doing it; they have no business spending the money of the National Democratic Party or the Federal Government to malign Members of the Congress who do not happen to agree upon one issue with the President of the United States.

The bill now pending just does not provide properly for doing what the President wants to do. I give all due credit

to the President of the United States for the great things he has accomplished and done since 1933.

Mr. LEWIS. Mr. President, will the Senator allow me to make a suggestion merely for the purpose of information?

The PRESIDING OFFICER (Mr. DUFFY in the chair). Does the Senator from Montana yield to the Senator from Illinois?

Mr. WHEELER. I yield for a question.

Mr. LEWIS. So far as Secretary Ickes is concerned, while I was not his supporter, I think, in fairness, it should be said that I think the Senator from Montana misunderstood him.

Mr. WHEELER. I am sorry to say that, under the ruling, I cannot permit the Senator to make a statement. I should be glad to let the Senator say what he desires, but I am not permitted to do so under the rules invoked by our distinguished leader.

Mr. LEWIS. I am afraid the Secretary of the Interior has been misquoted, and I wanted to set the matter straight.

Mr. WHEELER. I am not responsible for the interruption.

Now, Mr. President, I wish to read a quotation from Woodrow Wilson because the distinguished Senator from Indiana [Mr. MINTON], in a burst of oratory last night, said he wanted to have his President look at the shrine of Woodrow Wilson. I also want him to do so. The Senator from Indiana said he wanted to think of the President as looking at the shrine of George Washington at Mount Vernon and at the shrine of Abraham Lincoln. It was a great burst of oratory. Woodrow Wilson said:

The Constitution provides that all judges of the United States shall hold their office during good behavior, but Congress could readily overcome a hostile majority in any court or in any set of courts, even in the Supreme Court itself, by a sufficient increase in the number of judges and an adroit manipulation of jurisdiction, and could, with the assistance of the President, make them up to suit his own purposes.

Oh, yes, I want the President to consider that statement of Woodrow Wilson, and I want him to remember it. I also want him to remember what George Washington said:

The basis of our political system is the right of the people to make and to alter their constitution of government. But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory on all. * * * Toward the preservation of your Government and the permanency of your present happy state it is requisite * * * that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown.

Then I want him to remember what Mr. Justice Story said:

The addition to our number has most sensibly affected our facility as well as the rapidity of doing business. * * * We found ourselves often involved in long and very tedious debates. I verily believe that if there were 12 judges we should do no business at all or at least very little.

Again, George Washington said:

If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation—

Who used the word "usurpation"? George Washington used it. The Father of his Country said, "Let there be no change by usurpation", and continued:

For though this in one instance may be the instrument of good, it is a customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Oh, yes, George Washington was seeing the man on the stair when no one was there when he was talking about "usurpation." When he was talking about "usurpation" by increasing the Supreme Court he was all wrong! He was just setting up a bogey man when he said the Constitution of the Government could be destroyed upon usurping the powers of the Supreme Court.

Is it possible any Member of the Senate is so naive that he does not know that the purpose and the only purpose of the bill to increase the membership of the Supreme Court is to have an interpretation placed on the Constitution in accordance with the views of the majority of the Congress of the United States at the present time?

In a burst of oratory my friend the Senator from Indiana [Mr. MINTON] said, "I want him to look to the shrine of Thomas Jefferson." Let us see what Thomas Jefferson said. He said:

The dignity and stability of government in all its branches, the morals of the people and every blessing of society depend so much upon an upright and skillful administration of justice that the judicial power ought to be distinct from both the legislative and executive, and independent of both, as both should be checks upon that.

I believe the Senator from Indiana also referred to Andrew Jackson. Let us see what Andrew Jackson said. He said:

We should recollect that that instrument (the Constitution) provides within itself the mode of its amendment, and that there is, therefore, no excuse for the assumption of doubtful powers by the general Government.

He was a great old Tory, a great economic royalist. He sold out to Wall Street when he expressed those views.

He continued:

If those which are clearly granted shall be found incompetent to the ends of its creation, it can at any time apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused.

When an honest observance of constitutional compacts cannot be obtained from communities like ours, it need not be anticipated elsewhere, and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth that man is unfit for self-government admitted. And this will be the case if expediency be made a rule of construction in interpreting the Constitution. Power in no government could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.

The difficulty and supposed impracticability of obtaining an amendment of the Constitution in this respect is, I firmly believe, in a great degree unfounded.

Certainly, the great Andrew Jackson had been consulting and cavorting with Republicans. He was not just a true man of the people in expressing those views.

He continued:

The time has never yet been when the patriotism and intelligence of the American people were not fully equal to the greatest exigency, and it never will when the subject calling forth their interposition is plainly presented to them.

If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised, and not undermine the whole system by a resort to overstrained construction.

So, Mr. President, we find George Washington, Andrew Jackson, Abraham Lincoln, Thomas Jefferson, and all the other great leaders denouncing such a proposal, and we find George Washington using the word "usurpation." Yet it has been said that this bill proposes simply an "infusion" of new blood. I say it is not merely an infusion of new blood, but it is a transfusion of blood, and that transfusion of blood into the Court will only add confusion to the Nation and to our people. The proponents of the bill want a transfusion of blood, and they want that blood which is to be transfused to match their own blood. Could any other conclusion be reached upon the arguments made by the able Senator from Pennsylvania [Mr. GUFFEY]?

No one in high authority has refuted the suggestion, no one has disputed the idea that what is wanted is a Court to "meet the needs of the times", better to interpret the Constitution as they wish.

The Senator from Kentucky [Mr. LOGAN] said the other day that what is wanted is not a Court which believes in the views of Thomas Jefferson, not a Court which believes in the principles of Andrew Jackson, but a Court which believes in the principles of Alexander Hamilton and John Marshall. I have not any objection. I heartily agree that whether we want it or not we are going to have a more centralized government in the city of Washington. We all dislike bu-

reaucracy, and every administration goes out in the campaign and denounces bureaucracy, but each and every one adds to that bureaucracy. Why is that done? It is because of the concentration of wealth that is going on, and because the State legislatures cannot possibly regulate many of the great corporations; so it has to be done by the Federal Government here in Washington. I dislike it, and everybody else dislikes it; but it is not a question of what we like. It is a matter that is going to be forced on the people of the country by the economic conditions which have developed.

But when we want to amend the Constitution, let us not amend it by subterfuge. Let us do it in the way that every great President of the United States—including Washington, Jefferson, Jackson, and Wilson—has said it should be done. Let us do it under the Constitution. Let us have the amendment submitted to the people of the country. Let us have a vote upon it by the people. Let us not be afraid of it.

It was my recollection that the Attorney General of the United States, somewhere in one of his speeches, stated that the Supreme Court needed an infusion of new blood, or something to that effect, because of the age of the members of the Court, or that the courts of the country in general needed such an infusion. Nobody has stood upon the floor of the Senate, however, and said that any man upon the Supreme Bench is incompetent because of his age.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. McCARRAN. Does the Senator realize the difference between the terms "new blood" and "young blood", as used interchangeably by the President and by the Attorney General and others in discussing this subject? I should like very much to have the Senator express himself on that subject.

Mr. WHEELER. I thank the Senator. I assume that the Senator's interruption is in the nature of a question.

Mr. McCARRAN. I assumed that it was.

The PRESIDING OFFICER. The Chair understands that the Senator from Nevada asked a question.

Mr. WHEELER. In these technical days I desire to be careful that the interruptions are questions. The question was, as I understood the Senator from Nevada, whether a distinction had been made between "new blood" and "young blood."

First, I wish to continue and say that no one has said that any man upon the Supreme Bench is incompetent by reason of his age; that he is mentally incapacitated. I do not think any man, not even the Senator from Pennsylvania [Mr. GUFFEY], would charge that Chief Justice Hughes is mentally incompetent by reason of age. I do not think he would charge that Mr. Justice Butler, or Mr. Justice Sutherland, or Mr. Justice Brandeis—who is 80 years old—is mentally incompetent because of his age.

If none of them are mentally incompetent because they have reached a certain age, why say anything about age at the present time? Why try to put them off the Supreme Bench because they are 70 or more years of age, or to put somebody in their place to help them out because they have reached the age of 70 years? And then why change the age limit to 75 years?

Mr. McCARRAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nevada?

Mr. WHEELER. I yield.

Mr. McCARRAN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. McCARRAN. The interpretation of the rules has been invoked in the Senate. May a Senator rise during the course of discussion by another Senator and ask a third Senator a question?

Mr. ROBINSON. Mr. President—

Mr. McCARRAN. I asked for a ruling by the Chair. I did not ask for a ruling by the leader.

Mr. WHEELER. Under the rule the Senator from Arkansas has invoked, I am afraid I should not be permitted to let him answer the question.

The PRESIDING OFFICER. The Senator from Montana has the floor. Does he yield to the Senator from Arkansas?

Mr. WHEELER. I refuse to yield except for a question. That rule was expressly invoked by the Senator from Arkansas, and I invoke it upon the Senator from Arkansas.

Mr. ROBINSON. That is so. [Laughter.]

The PRESIDING OFFICER (Mr. DUFFY in the chair). The Chair thinks the point of order is in the nature of a parliamentary inquiry. In answer to the query of the Senator from Nevada, the present occupant of the Chair will say that a Senator having the floor may not yield for that purpose.

Mr. McCARRAN. In other words, am I to understand the Chair to rule that, though the Senator from Montana has asked the Senator from Pennsylvania a question which the Senator from Pennsylvania has refused to answer, another Senator may not ask the question through the Senator having the floor?

The PRESIDING OFFICER. The present occupant of the Chair believes that the Senator having the floor may not yield for that purpose.

Mr. WHEELER. Mr. President, I was saying that no Member of the Senate of the United States has stood up here in his place and contended for one moment that any member of the present Supreme Court is either unfit or unable to carry on the duties of his office. If it is desired to put men off the Court merely because they are aged, why not point out some man on the Supreme bench who is incapable of performing his duty? If there is no man on the Supreme Bench who is incapable of performing his duty by reason of age, no man there but who can carry on, no man there but who has ability and is able to carry on, why hold them up to scorn before the country? Why humiliate them? Why hold them up before the people of the United States and say, "We want to put another man on the Supreme Bench in Mr. Hughes' place because Mr. Hughes is an aged politician. He ran for President of the United States of America on the Republican ticket?"

What Democrat is there in this body who can go before his people and say, "I wanted to put somebody on the Supreme Bench alongside Mr. Hughes because Mr. Hughes is a politician, because he ran for the Presidency of the United States on the Republican ticket"? Stand up in your place and answer if there is one.

Mr. Justice Brandeis is the oldest man upon the Supreme Bench. He is 80 years of age. For weeks the confirmation of Mr. Justice Brandeis was opposed in this body because he was known as a liberal when he was appointed by President Wilson. A bitter fight was made against him because he was looked upon as a great fighter for the liberal cause, and a determined effort was made to prevent the confirmation of his nomination. He had been fighting for the liberal cause in Massachusetts and throughout the Nation, uncovering the corruption in the old Ballinger case in the Interior Department, fighting the United Shoe Machinery Co. monopoly in the State of Massachusetts, which affected every single little manufacturer in that State and in the other New England States, fighting on the side of the ordinary man, the poor man. He was known as the people's lawyer of the State of Massachusetts. He defended, without pay, men charged with crime. He took up, without compensation or thought of compensation, the defense of the under dog from one end of the country to the other. Since he has been a member of the Supreme Court of the United States he has written more dissenting liberal opinions in favor of the masses of the people than has any other Justice, and now the Democratic Party, because it has the power, wants to humiliate him.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. WHEELER. I yield.

Mr. CONNALLY. I desire to ask the Senator a hypothetical question. If the Senator from Montana wanted to remove from the Supreme Court Mr. Justice Butler, Mr.

Justice McReynolds, and Mr. Justice Sutherland, but did not care anything about removing Mr. Justice Brandeis, how would he remove those three unless he also removed Mr. Justice Brandeis at the same time?

Mr. WHEELER. I am glad the Senator asked me that question. It is not desired to get Mr. Justice Brandeis off the Bench. The Democratic Party does not want to get him off the Bench. The President does not want to get him off the Bench. Of course, they do not want to humiliate him. The men they want to get off the Bench are Justices Butler, McReynolds, Sutherland, and Hughes. The way the proponents of the bill could do it, if they dared to do it, would be to say, "No part of the appropriation contained in the appropriation bill shall be used to pay the salaries of these men", and just refuse to appropriate money for them, but they do not dare do that. They cannot reduce their salaries, but Congress has the power to refuse to appropriate money for the salary of the President of the United States, for the executive branch, and for the judicial branch. That would be within the Constitution; it would be constitutional, but it would be against the spirit of the Constitution, and it would be immoral to attempt to do it. In trying to get Chief Justice Hughes and other Justices off the Bench, in trying to humiliate them, those behind the pending bill are willing to humiliate a great liberal, and to do it in the name of liberalism in the United States, to do it in the name of progressivism, to do it under the guise of an attempt to do something for the people of the United States.

I am not surprised that someone should say, "A plague on both your houses." Shakespeare used that phrase in Romeo and Juliet. He did not apply it to a labor organization, however, or to a steel trust.

Mr. President, this proposal is not urged on account of the age of the Justices; it is not urged because they are not up with their work. The Solicitor General says they are up with their work, and Chief Justice Hughes in his letter to me pointed out beyond contradiction that the Supreme Court was current with its work, and that the Court never adjourned until every case that was ready for trial had been argued. So that is not the reason. The bill is not urged because the Judges refuse to hear six or seven hundred petitions for writs of certiorari. It is not urged because they denied petitions for certiorari filed by poor people, for, as I pointed out once before, it is not the poor people who apply to the Supreme Court for such writs. It is not the poor man, it is not the farmer whose cattle are killed by the North Western trains, or the Southern trains, or the Seaboard Air Line trains. He goes into the Federal district court and sues the railroad company and obtains a judgment against it for the loss of his stock, or damage to his stock. The railroad employee working upon the road sues for damages in the Federal court, or some man sues because he is run over by a train at a grade crossing. He goes into the Federal court and obtains a judgment in that court.

Who appeals? It is the railroad companies which appeal. They are the ones who want delay; they are the ones who have the long purse. They lose in the district court, and in the circuit court of appeals the judgment is affirmed. When it is affirmed, the railroad company files a petition for a writ of certiorari, and the Supreme Court denies the petition. It says, "You have had your day in court in the district court, and you have had your day in court in the circuit court of appeals." So it is not the poor individual, ninety-nine times out of a hundred, who goes to the Supreme Court with a petition for writ of certiorari. Any trial lawyer who has had any experience knows that what I state is accurate.

Now, let us take the other side. A stockman or a farmer loses his case before a jury. Nine times out of 10 he does not appeal the case to the circuit court of appeals because he has not the money, and his lawyer cannot afford to take the appeal. Assume he does finally raise sufficient money to appeal to the circuit court of appeals, and he loses there. Does he file a petition for a writ of certiorari with the Supreme Court? I challenge anyone to look at the records of the Supreme Court and find where a workingman, or a

farmer, or a widow, or an orphan has petitioned the Supreme Court for a writ of certiorari to bring up a case decided against him in the circuit court of appeals. Such cases will not be found, because they are not there.

So when there is an appeal to the prejudices of the American public, when there is an effort to make them think their representatives here are pleading in the interest of the poor and downtrodden widow, when there is talk about delay, it will be found that the denial of such petitions by the Supreme Court has meant speeding up the litigation in this country rather than delaying it. Whoever advised the President on this subject did not know very much about the practice of law in the Federal courts or he never would have written such a letter. I am not condemning the President. I say that he has been misinformed and misadvised with reference to this whole subject. In the very nature of things he has to depend upon advisers, and he has gotten some very poor advice in this matter. Someone lost some cases and was disappointed. Is the Congress of the United States to wreak its vengeance upon individual members of the Supreme Court of the United States because laws have not been construed as we should like to have them construed? Others may take such a course, but I shall not be a party to it.

Mr. President, there is nothing to the argument about the law's delay, so far as the Supreme Court of the United States is concerned; nothing to the charge that the Court is back in its work; nothing to the contentions about age and liberalism, because some of the most liberal men upon the Supreme Court are the oldest, and some of the most liberal men in this body have been the oldest Members of the Senate. I recall that the senior Senator La Follette once said to me that he was more progressive and more liberal in the latter days of his life than he was in the earlier days. Who are looked upon as about the most liberal men in this body? There is the senior Senator from Nebraska [Mr. NORRIS], one of the oldest men in the body; there is the Senator from California [Mr. JOHNSON]; there is the Senator from Idaho [Mr. BORAH] all looked upon as great liberals and great progressives. The idea of saying that because one is old he shall be proscribed!

Mr. President, in this country no party can survive if it is based upon political bigotry, and no party should survive that bases its existence upon an effort to proscribe men because of their age. No true liberal proscribes a man on account of his race, his color, his creed, or his age; and that is what is being sought by the pending bill.

I have not always agreed with Chief Justice Hughes. I voted against the confirmation of his nomination, as did a great many others. I made a mistake in so voting. I think Mr. Hughes will go down in history as a great Chief Justice. My distinguished colleague the senior Senator from Kentucky [Mr. BARKLEY] voted for his confirmation, and he was right and I was wrong. The Senator from Arkansas [Mr. ROBINSON] sent his pair from London for his confirmation, and he was right and I was wrong. Mr. Hughes has made a great Chief Justice, although I have not always agreed with his decisions. I have not always agreed with the decisions of many of the other Justices of the Supreme Court; but dare we, because we do not agree with their decisions, seek to punish them when they reach the age of 70 or the age of 75?

I think it has been generally recognized that my late colleague, Senator Walsh, was one of the ablest men who ever sat in this body, a great constitutional lawyer, a man who was opposed to the measure to regulate interstate commerce in bituminous coal, the same measure known during this session as the Guffey bill, because he thought it was unconstitutional. If anyone doubts my statement about that, let him ask Mr. William Murray about it, because he came to me and pleaded with me to urge Senator Walsh to vote for it, but Senator Walsh refused, because, in his judgment, it was unconstitutional.

Mr. President, when he was requested to accept the appointment to be Attorney General of the United States he

was 74 years of age. That appointment was offered to him by the present President of the United States of America.

If you are going to proscribe a man from being on the Supreme Court because he is old, why should you beseech a man when he is 74 years of age to accept the position of Attorney General of the United States, to accept one of the most difficult places in the Government to fill, a place in the President's Cabinet?

I wish to say to the Senate that, in my humble opinion, had the late Senator Walsh been Attorney General of the United States, the history of the United States and the history of some of the cases which went before the Supreme Court would have been quite different than they have been in the past few years.

The late Senator Walsh was a great progressive and a great liberal and a great lawyer; but never would you have heard from him an utterance proscribing a man because of his opinions, thought, or religion. He was beloved in my State by all.

Never would he have been heard to proscribe a man on account of his religion; never would he have proscribed a man on account of his race; never would he have proscribed a man on account of his age. He never would have proscribed a man on account of his opinion. He respected those who disagreed with him. He was not intolerant politically, or economically, and he was not intolerant of other people's opinions.

Then we have the Secretary of the Navy. Why not proscribe him because he is old? He is over 70 years of age.

Why not proscribe Members of the Senate because of their age, if most men are incompetent when they are over 70?

But, Mr. President, I say that that is not the reason for urging the passage of this measure. No Senator, I repeat, has dared to stand upon the floor of the Senate and say that a single member of the Supreme Court cannot do his work because of his age.

So what is the reason for the proposed action? Stripped of all its subterfuge, stripped of all its camouflage, stripped naked and held up to public gaze, there is just one reason for it: "We want a Court which will be subservient to us. We want to usurp the powers of the Supreme Court. We want to usurp the functions of an independent branch of the Government."

If the advocates of the bill are fighting for principles, and want an infusion of new blood, that is quite different; but if they are fighting for principles they will say that the present members of the Supreme Court should be exempted from the operation of the bill.

But that is not the reason for the proposed action. Its advocates want it because they do not like some of the opinions that have been rendered.

Mr. President, I saw a Republican landslide in 1920. I saw another Republican landslide in 1924. I saw another Republican landslide in 1928. I saw an overwhelming majority of Republicans in both branches of the Congress of the United States. I saw Mr. Harding come in as President when he thought he had a mandate from the people of the country, and when he had the support of both branches of the Congress. Such a thing may happen again, and it may happen that some of the Members of the Senate who have been appealed to because they came in on the coattails of a Democratic President will go out on the coattails of a Democratic President.

Mr. President, Mr. Harding put Mr. Daugherty in as Attorney General of the United States. Suppose we now set a precedent and say, "Because we have the power, we are going to pack the Supreme Court to get the decisions we want." What would an incoming Republican administration be justified in doing? They would be justified in saying, "You fellows put judges on the bench to make the Court subservient to you, in order to get favorable decisions, and we will do the same thing. We will add to the

membership of the Court in order that we may have favorable decisions. Instead of making the membership of the Court 15, we will make it 20. We will reduce the age from 75 to 70 or 65, in order to get rid of the men you have placed on the bench."

What would every progressive, what would every liberal in this body do? They would be standing on their feet denouncing a Harding or a Hoover or anybody else who would propose such a thing. They would say, "You are destroying the Constitution. You are setting up dictatorial powers." They would make the strongest possible argument against such action, and in what they would say they would be truthful and honest.

Senators are told to stand by the measure because of party loyalty. They are asked to favor it because a crisis exists. What crisis? We have not heard much about it lately.

No, Mr. President, this bill cannot be justified in any sense of the word. If the Constitution did not provide the means for a change, if there were no way by which the Constitution could be amended, if there were no way by which the people of the country could pass upon the question, if it could not be submitted to the people of the country so they could vote upon it, there might be some excuse for the proposed action.

Mr. President, the framers of the Constitution realized that this country might change, that it might need constitutional amendments to meet changed economic conditions, and they provided the way. They said it could be done, and that we could do it now, and it has been held that we could specify the time and the manner in which constitutional amendments might be adopted.

It is urged that the proposed action will expedite the business of the Court. The President of the United States, in the message I read to the Senate a few moments ago, said it would only lead to confusion. Mr. Justice Story said that if there were 12 members upon the bench, he feared the Court would never get any work done. Professor Frankfurter, of Harvard University, and Mr. Landis, head of the Securities and Exchange Commission, wrote a book in which they stated that adding to the membership of the Court would impair its efficiency.

Chief Justice Hughes, in his letter, said that if the membership of the Court were increased there would be more Justices to hear the cases, more Justices to argue questions, more Justices to convince, and that the addition of new members to the Supreme Court would only impair its efficiency.

So there is not a single, solitary argument in favor of this bill excepting one based upon the necessity to change the decisions of the Supreme Court, thus to change the Constitution by interpretation.

I say to you, Mr. President, while, strictly speaking, the pending proposal is within the letter of the law, it is against the spirit of the Constitution, and I have such eminent authority for that statement as the President of the United States when he speaks of the violations of the spirit of the income-tax law.

I could go on, Mr. President, but I do not wish to take up the time of the Senate any longer, except to say that I resent certain statements which have been made, not so far as I am concerned, because whatever is said about me makes little difference. I have had so many things said about me so many times that accusations, whatever they may be, roll off me very easily. But I do resent that some of my colleagues in the Senate of the United States who have supported the President loyally, who have campaigned for him, who have fought for him, should be denounced as desiring to destroy the President of the United States by some paid public officials who never have had to go out and fight a battle before the people of the country themselves, who could not be elected dog catcher in their own community if they had to run for such an office. Yet they set themselves up and denounce Members of the Senate and Members of the other House and break into the public press or go out and

make speeches before our constituents against us because we have the temerity to vote our own honest convictions upon public questions confronting the American people.

We want to break up the Democratic Party. Somebody is going to raise \$10,000,000 to finance a new party; somebody is going to raise a hundred million dollars or even more in this country to bring about such a dictatorship as was talked about by our Ambassador or professor in Berlin recently. Of course, that is all nonsense. That is just seeking to draw a red herring across the trail.

Mr. President, in closing I say that we cannot afford to set such a precedent as the enactment of the pending measure would set. We cannot afford to denounce the members of the Supreme Court and hold them up to ridicule when they are carrying on and voting their honest convictions, whether we agree with them or whether we do not.

The distinguished Senator from Indiana said the members of the Supreme Court are themselves packing the Supreme Court. Well, they were appointed for life. Can the Senator look into their innermost souls and say they are only staying on the Supreme Court in order to pack it? Can the Senator look into the soul and read the mind of Justice Brandeis and say he is staying on the Court because he wants to pack it in favor of the President, and that Justice Hughes wants to stay on the Court in order to pack it in favor of or against the President? I should like to have the Senator tell me how he knows that Justice Sutherland is staying on the Court just to vote against the President. I should like to have him tell me how he knows any one of the present Justices are remaining on the Court in order to pack the Court against the President of the United States. Let the Senator write that down in his notebook and tell me how he knows it when his time comes.

Mr. President, one by one the arguments with reference to the six-man bill were demolished until there was an overwhelming majority in the Senate against that bill, and nobody at heart was for it. Everyone knows that what I am saying is true. So, no one at heart is for the pending bill, because, as everyone knows, it merely provides a slow packing process. As a matter of fact, if I had to choose between packing the Court with six Justices and the method proposed by this bill, I would prefer to pack it with the six at once rather than to pack it in the way which is now proposed. To pack the Court is the reason for the pending bill; and, if we are going to do it, let us put on the six men at once.

We were told there would be no compromise; that we would have to vote it up or vote it down; that no compromise suggestion would be listened to, and that it was "in the bag."

We are now told that the proponents of the measure have got the votes and they are going to try to jam it through. They are going to shut off debate. They have invoked an old rule that I have never before seen invoked in this body during the first 2 or 3 days of debate on a measure, a rule that is violated all the time by every Member of the Senate with impunity. Yet we are told that the proponents of the measure are going to try to force us, pound us, knock the bill down our throat, if you please, in order to put it through. Well, those who are opposed to it will not be the losers if the supporters of the bill should succeed in passing it. The only man who can lose in a fight of that kind is the President of the United States himself.

As I have previously said, I give the President all credit for the great things he has accomplished during the last 4 years for the people of this Nation. We have given him more power than any President of the United States has ever had in peacetime or in war. He has powers that no other President ever had. We delegated to him the power to issue currency and to fix and regulate the value thereof.

He can raise or lower the gold content of the dollar. He can issue \$3,000,000,000 of currency. He can remonetize silver up to 16 to 1. He has \$2,000,000,000 with which he can buy German marks, British bonds, French francs, or Japanese yen, or take any other course he may desire for the

purpose of stabilizing our currency. He can raise or lower the tariff on practically everything that is produced in the United States. He can close the stock markets for a period of 30 days. We have just given him \$1,500,000,000 for relief purposes, and he has wide discretionary power in its distribution. We have given him the power to say to the farmers of the country, "We will give you money for not producing crops", and \$500,000,000 has been provided for that purpose. He can say to them, "Let this piece of land lie fallow and we will pay you for not planting it." We have given him the power over the economic life and destiny of the American people. He has a substantially subservient Congress. No man in the history of the United States, not even the Father of his Country, ever had reposed in him such vast and extraordinary power. We have given him the power to declare war. We have given him a power over treaties never given to any other President of the United States. He can say to one community, Denver for instance, "I will give you money for a project in your city", or he can say, "I will deny a project to your city." He has the power to say, "I will build a project in Houston, Tex., but I will deny a project to some other place in Texas."

He has a right to say to the people of the State of Illinois or the people of the city of Chicago, "I will build that parkway in your State or that subway in the city of Chicago at the behest of the political bosses of your city, or I will deny it at their behest." He has the right to say the same thing to the city of New York. I am not complaining. Conditions in the country were such that we had to give him that power and I am not complaining about the way he has used it.

But with a subservient Congress, with such tremendous power in the Executive, has not the time come in this Nation when we should say there is a line beyond which no man should pass? Has not the time come when we should say, "No matter how beloved you may be, no matter how profound and wonderful you may be, no matter how much your sympathies are with the masses of the people of the United States, no matter what you want to do, the time has come when we should say there is a line beyond which, under this American Government of ours and under our Constitution, no man shall pass."

The PRESIDING OFFICER. The question is—

Mr. MINTON. Mr. President—

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. There is pending before the Senate now the committee bill; also an amendment, in the nature of a substitute, offered by the Senator from Arkansas [Mr. ROBINSON]; also an amendment to that substitute offered by the Senator from Wyoming [Mr. O'MAHONEY]. My parliamentary inquiry is, Which is now the pending question, the committee amendment to the original bill or the amendment of the Senator from Wyoming to the substitute proposed by the Senator from Arkansas?

The PRESIDING OFFICER. The Senator from Wyoming [Mr. O'MAHONEY] has offered an amendment to the substitute.

Mr. CLARK. That is undoubtedly true, but there is also pending an amendment to the original bill. My parliamentary inquiry is, What is now before the Senate? The Chair just started to state the question and was interrupted by the Senator from Indiana taking the floor. What would have been the question stated by the Chair if no Senator had addressed himself to the Chair and taken the floor? Is the question on the committee amendment to the original bill, or is the question on the amendment of the Senator from Wyoming to the substitute of the Senator from Arkansas?

The PRESIDING OFFICER. The Chair will rule that the committee amendment is before the Senate.

Mr. MINTON. Mr. President, I have been sitting here 3 hours listening to the brilliant address by the brilliant Sena-

tor from Montana [Mr. WHEELER]. I did not interrupt him in the course of his great speech. I do not want to be discourteous to anyone this afternoon, and I do not want to be partial in yielding or not yielding for questions. As I expect to speak only briefly, I shall not yield even for a question until I shall have concluded.

Mr. President, the distinguished Senator from Montana in opening his remarks did me the very great honor to refer to me—for, after all, it is an honor and a distinction even to be noticed by the great Senator from Montana. He referred in caustic vein to something I was quoted in the press as having said after his visit to the White House. We have an old saying in the hills of southern Indiana that "it is the galled jade that winces"; that is to say, if the old horse has a sore spot under the harness he winces when the harness touches the sore spot. [Laughter.]

The Senator from Montana for the most part, I think my colleagues will agree, gave us an exhibition of sweet-tempered speech, showing no rancor, no animosity, no ill-feeling toward anybody. He did speak with earnestness and sincerity, as is his customary manner, but surely no one would suspect that he was sore at anybody.

It was a great recitation he gave. For the larger part of 3 hours he occupied the floor reciting to the Senate the record he has made as a great liberal in the country. I am glad to subscribe to everything he said about himself. I entertain for him the same high opinion that he has of himself. [Laughter.] Back in the hills of southern Indiana a few years ago, obscure and far removed, I worshiped my hero, the liberal Senator from Montana. I worshiped him as he went forth on his gallant mission time after time, and charged against the bulwarks of intrenched wealth and greed and selfishness. I welcomed him home many nights when the shadows of evening were lengthening and he came in with a broken lance. But I never thought I would live to see the day when my hero, the liberal Senator from Montana, would be found on the floor of the United States Senate leading a solid phalanx of reactionary Republicans against the bulwark manned by the loyal sons of Democracy and captained by the greatest captain of Democracy this Nation has produced in 100 years.

I love the great Senator from Montana because he has been my ideal for so many years, and now I find myself unhappy to see him over there on the other side of the little green aisle fraternizing with the remnants of the Republican Party. [Laughter.] How much I wish he would come back home that we might kill the fatted calf for the prodigal son upon his return! I should be the first to welcome him back because I have stood, lo, these many years, worshipping at his shrine.

With that preliminary, I wish to address myself for a few minutes to some of the things my friend from Montana has had to say. He began by asking why the protests came from the masses about this bill when the President submitted it to the Congress of the United States. I do not know the masses from whom the Senator from Montana heard, but I can speak for the masses who wrote to me, sending their propaganda mail into my office when this bill was first proposed. My office received a lot of mail about the bill, mail supposed to come from the masses, in the early days of this controversy. I did not know them. They were not people with whom I was acquainted or that I knew in politics, so I sent the names back to my political friends in the counties of the States from which the petitions and letters came and asked that they be checked up. I found that 99.9 percent of them came from rock-ribbed, hard-working Republicans in those communities.

Mr. BURKE. Mr. President, will the Senator yield for a question?

Mr. MINTON. I decline to yield.

Those were the masses bombarding my office about this proposed legislation. They started to turn the fire of the big guns upon the administration about the bill and Hoover made one speech and quit. Mr. Landon went to New York primed and cocked to make a speech about it, but closed his

mouth because they accepted the astute leadership of the great Republican leader on the other side of the aisle. They kept still and let the Democrats lead their own assault upon themselves.

I know whence came the great protests to my office. It was whipped-up propaganda. The Senator from Montana said there is a spirit of intolerance pervading the country, forsooth, because Farley goes out and speaks for the measure, because the Attorney General speaks for it, and because Harry Hopkins goes on the air and speaks for it. To the Senator from Montana that is intolerance in all its horrible aspects; but it is all right for the Liberty League and the American Bar Association and Mr. Gannett to go out working on the other side. Mr. Gannett came back from his villa at Palm Beach, Fla., to battle with the forces of the Lord. Think of it. Yet the Senator from Montana talks about the forces of intolerance in the country, when lined up on the side of the opposition to this proposal as originally made, as now made, or as it ever may be made, stand the American Liberty League, the American Bar Association, Gannett, and all the economic royalists of the country.

But the Senator from Montana, in response to a question from the Senator from Maryland [Mr. Tydings] made the most astounding admission that could possibly have been made by anybody opposing the proposition. What was that statement? It will be remembered that the Senator from Maryland said to the Senator from Montana:

Is it not a fact that if this bill did not apply to the present Supreme Court, you would be for it?

Now, think about that for a minute. The Senator from Montana said:

Yes; that is right.

What is there that is sacred about the venerable gentlemen across the way who now occupy the Supreme Bench?

Mr. McCARRAN. Mr. President—

Mr. MINTON. I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. MINTON. I respect them, I revere them in their honorable positions, as any man does; but why limit any law so that it shall not apply to the present occupants of the Supreme Bench?

So the Senator from Montana says he is not against the principle of the bill, but he just does not want it to apply to the present Court. In other words, he is not against packing; he is just against unpacking.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. MINTON. I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. MINTON. Then, again, the Senator from Montana said in the course of his remarks, "Why not impeach Mr. Hughes if he is doing these frightful things?" Of course, the Senator answered his own question, because Mr. Hughes could not be impeached for his political views, even though he wrote them into an opinion of the Supreme Court of the United States. Nobody knows that better than does the distinguished Senator from Montana, who is a brilliant and able lawyer. Of course, Mr. Hughes could not be impeached for that; but the political opinions of the Chief Justice of the United States and the political machinations of the Chief Justice of the Supreme Court are of vital interest to the people of this country.

The Senator from Montana charged toward this side of the Chamber, and would have us impute to the Chief Justice of the United States that he was a cheap politician. Oh, no; he is not a cheap politician. He is a high-grade one, a high-paid one, and a very good one; and I propose to demonstrate, by reference to the about-face of the Supreme Court within the past few months, that there could not have been anything but politics in it.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments

of the Senate to the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate nos. 1, 7, and 12 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendment of the Senate no. 15 to the bill.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 171. An act for the relief of George E. Shockley;

S. 885. An act for the relief of H. G. Harmon;

S. 1188. An act for the relief of J. E. Sammons;

S. 1257. An act for the relief of James H. Smith; and

S. 2266. An act for the relief of John A. Ensor.

APPROPRIATIONS FOR CIVIL FUNCTIONS OF WAR DEPARTMENT— CONFERENCE REPORT

Mr. COPELAND. Mr. President, will the Senator from Indiana report for a privileged motion relating to the conference report?

Mr. MINTON. Yes; I will do that if I may do so without violating the rules.

The PRESIDING OFFICER. What is the request of the Senator?

Mr. COPELAND. I submit the conference report on the civil-affairs portion of the military bill, and move that it be adopted.

Mr. McCARRAN. Mr. President, my understanding is that it has been agreed that no business shall be transacted other than the consideration of the Court bill.

Mr. COPELAND. I think a conference report is a privileged matter.

The PRESIDING OFFICER. The Chair will rule that this matter is privileged, and does not come within the rule laid down.

Mr. McCARRAN. Perhaps I am in error.

The PRESIDING OFFICER. Rule VII, paragraph 7, permits action at this time, and the Chair will so hold.

Mr. COPELAND. I will say to my colleague that this is a privileged motion. It may be made at any time. It has to do wholly with a conference report. If it were a matter of ordinary business, of course it could not be received under the arrangement under which we are working.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 13, 14, 16, and 17, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$148,200"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$10,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$9,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Omit the matter stricken out by said amendment and on page 8 of the bill, in line 19, after the word "States" omit the comma and insert the word "and"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Omit the matter stricken out by said amendment and on page 9 of the bill,

in line 10, after the word "States" omit the comma and insert the word "and"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 7, 12, and 15.

ROYAL S. COPELAND,
ELMER THOMAS,
JOHN H. OVERTON,
W. G. MCADOO,
MORRIS SHEPPARD,
WARREN R. AUSTIN,

Managers on the part of the Senate.

J. BUELL SNYDER,
D. D. TERRY,
JOE STARNES,
ROSS A. COLLINS,
CLARENCE CANNON,
D. LANE POWERS,
ALBERT J. ENGEL,

Managers on the part of the House.

Mr. COPELAND. I move the adoption of the report.

Mr. McCARRAN. Mr. President, I must object to the consideration of this matter by unanimous consent. If the Senator from New York desires to put it to a vote, that is a different question; but I shall object to a unanimous-consent agreement regarding it.

Mr. COPELAND. Mr. President, it is a matter of utter indifference to me whether the report is adopted now or at some other time.

Mr. McCARRAN. I supposed it would be.

Mr. COPELAND. Of course, even under our rules—and we seem to be acting strictly according to rule now—

Mr. McCARRAN. I should like to have the Senator from New York specify what particular rule permits this report to come up at this time, except by unanimous consent.

Mr. COPELAND. All right; I am glad to do that. I refer to page 33 of the rules. I know we must be very technical now, Mr. President. Rule No. XXVII relates to reports of conference committees.

Mr. McCARRAN. Will the Senator kindly read the rule?

Mr. COPELAND (reading):

The presentation of reports of committees of conference—

The PRESIDING OFFICER. Will the Senator from New York suspend for a moment? Is the Chair to understand from the Senator from Nevada that he is making a point of order or objecting?

Mr. McCARRAN. I am making a point of order and objecting at the same time. I understood that the Senator from New York moved the adoption of the conference report. Of course, that motion is subject to debate.

The PRESIDING OFFICER. The Chair will rule that the Senator is out of order under rule XXVII, paragraph 1.

Mr. McCARRAN. My understanding is that I may debate the conference report, and I propose to debate it.

The PRESIDING OFFICER. The Chair thinks the Senator is correct in that. It may be debated.

Mr. MINTON. Mr. President, a parliamentary inquiry. I do not yield for any purpose except a privilege that the Senator from New York had a right to claim. I decline to yield to the Senator from Nevada.

Mr. COPELAND. The Senator from Indiana yielded to me to present a conference report. I have done so. Now I assume that the report is debatable.

Mr. McCARRAN. Mr. President, what is before the Senate?

Mr. MINTON. I decline to yield for that purpose.

The PRESIDING OFFICER. A motion may be made by the Senator from New York to take up the report. It is privileged.

Mr. COPELAND. That is the motion I have made.

The PRESIDING OFFICER. That motion is not debatable.

Mr. BLACK. Mr. President, a point of order and a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BLACK. The Senator from Indiana had the floor. As I understood, he yielded only in case this matter brought about no discussion, and I understand that he now says he does not yield the floor for this purpose.

The PRESIDING OFFICER. The Senator yielded for the purpose of taking up the report.

Mr. McCARRAN. I did not understand the Senator from Indiana to make that statement. The Senator from Alabama may thus construe the remarks of the Senator.

Mr. SCHWELLENBACH. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. SCHWELLENBACH. I raise the point of order that the Senator from Nevada is out of order because he is occupying the floor in the time of the Senator from Indiana.

The PRESIDING OFFICER. The question now before the Senate is as to taking up the conference report. That question is not debatable. The Chair will now put the question.

Mr. LA FOLLETTE. I call for the regular order.

Mr. McCARRAN. Mr. President—

Mr. ROBINSON. Mr. President, I rise to a point of order. The Senator from Indiana had the floor and was addressing the Senate. He could not be taken from the floor without his consent. He consented to the presentation of this report with the distinct understanding that he should not yield the floor. Now a motion is made which unquestionably would have the effect of taking him off the floor. I think the Senator from Indiana, to protect his right to continue and to conclude his remarks, must decline to yield. The Senator from Indiana cannot be required to yield for any purpose.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada will state the parliamentary inquiry.

Mr. McCARRAN. Has not the Senator from Indiana already yielded?

The PRESIDING OFFICER. The Senator yielded for the purpose of taking up the report. A motion was made which is a privileged motion and not subject to debate.

Mr. McCARRAN. Mr. President, may I ask another question as a parliamentary inquiry? Did the Senator state that he yielded with the understanding that the report should not be a matter for discussion? The question of adopting a conference report is always open to debate.

Mr. ROBINSON. Mr. President, I wish to submit a parliamentary inquiry.

Mr. McCARRAN. May I have my inquiry replied to first, before the leader takes it up? I know the leader always leads, but on this occasion I should like first to have a reply to my inquiry.

Mr. ROBINSON. Very well.

The PRESIDING OFFICER. The Chair will state that he understood the Senator from Indiana to yield merely for the purpose of taking up the conference report, and with the idea that he would not lose the floor. Of course, if there is to be debate on the conference report, the Chair presumes the Senator did not yield.

Mr. McCARRAN. Mr. President—

Mr. MINTON. Mr. President, I decline to yield to the Senator from Nevada for any purpose at this time.

Mr. McCARRAN. I did not ask the Senator to yield, and I do not now ask him to yield; but I question the right of this body to take up a matter while the Senator from Indiana has the floor and while we are under the rule that is applied.

Mr. MINTON. I ask for the ruling of the Chair, and I do not yield to the Senator from Nevada.

Mr. LA FOLLETTE. Regular order!

Mr. COPELAND. Mr. President, it is clearly the rule of the Senate—and, of course, we are observing the rule—that the presentation of reports of committees of conference shall always be in order. I have presented the report, and moved its adoption.

Mr. McCARRAN. I object—

The PRESIDING OFFICER. Rule XXVII provides:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing.

The Senator from Indiana, the Chair assumes, has the right to refuse to yield further if he so desires.

Mr. MINTON. I certainly want to exercise that right, because I had no intention of yielding if my yielding would take me off the floor. I thought I might yield to accommodate the Senator from New York to present a privileged motion, and that then I might proceed; but if yielding for that purpose was to take me off the floor, I had no intention of doing it, and if the ruling of the Chair is that it does, I stand upon my protective assertion.

Mr. McCARRAN. Regardless of—

Mr. MINTON. I do not yield to the Senator from Nevada for the purpose for which he now rises.

Mr. McCARRAN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MINTON. I do not yield for the purpose of a parliamentary inquiry. [Laughter.]

The PRESIDING OFFICER. The Senator may state his parliamentary inquiry, whether there is a yielding or not.

Mr. McCARRAN. What is before the Senate of the United States at this time? Will the Chair kindly state what is before the Senate at this time?

The PRESIDING OFFICER. The Chair may state that the Senator from Indiana yielded, and he has now withdrawn his determination to yield. The Senator from Indiana now has the floor and may proceed with his speech.

Mr. ROBINSON. Mr. President, I demand the regular order.

Mr. GEORGE. A point of order.

Mr. MINTON. Mr. President—

Mr. GEORGE. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MINTON. I do not yield.

Mr. GEORGE. I make a point of order in my own right.

Mr. MINTON. I want to get a ruling upon whether the Senator has a right to make it.

Mr. GEORGE. I make it now.

Mr. MINTON. Without the consent of the Senator who has the floor.

Mr. GEORGE. I rise to a point of order.

Mr. MINTON. Because the Chair ruled yesterday that that could not be done.

The PRESIDING OFFICER. The present occupant of the chair holds that a Senator may rise to propound a parliamentary inquiry without obtaining the consent of the Senator who has the floor. The Senator from Georgia will state the point of order.

Mr. GEORGE. Mr. President, if a Senator having the floor yields to permit the calling up of a conference report, the inquiry is whether that is not yielding for that purpose, and with whatever consequences may flow from it, irrespective of the Senator's purpose or his intent. The matter of intent or purpose is, of course, to be respected by the Senate, and the assumption is that when the Senate has disposed of the conference report it will receive respectful consideration.

The PRESIDING OFFICER. Under ordinary circumstances the Chair would hold that the point of order of the Senator from Georgia was well taken; but the Senator from Indiana did say, in yielding, that he did so on the assumption that there would not be any debate which would take him off the floor. With that statement, the Chair thinks the Senator is entitled to hold the floor.

Mr. CLARK. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. If the rules are to be strictly construed and enforced, in order for a Senator to be able to yield the floor without losing it, is it not necessary for him to ask unanimous consent that he be permitted to do so for a purpose indicated?

The PRESIDING OFFICER. The Chair thinks that ordinarily that would be the correct procedure.

Mr. CLARK. Therefore the Senator from Indiana yielded the floor, in actuality, without taking the trouble of asking leave of the Senate, including the Senator from Arkansas, in accordance with the rules. He yielded the floor without asking unanimous consent of the Senate for that purpose.

Mr. ROBINSON. I call for the regular order.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. CLARK. I have just propounded a parliamentary inquiry, and I should like to have an answer to it. The Senator from Arkansas calls for the regular order. I should be glad to know what the regular order is.

The PRESIDING OFFICER. The present occupant of the chair stated previously that he is not so inclined to strict interpretation as are perhaps some others who preside at times. The Chair believes that in all good faith the Senator from Indiana should be protected. He yielded under conditions perhaps not stated correctly. So far as the present occupant of the chair is concerned, the Senator from Indiana is recognized; but the Chair would be glad to have an appeal from the decision.

Mr. McCARRAN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. I have just tried to listen to the Presiding Officer. He says that perchance the Senator from Indiana did not state the condition. May the record be read so that we may be advised?

The PRESIDING OFFICER. The Chair will rule that that is not a parliamentary inquiry.

Mr. McCARRAN. Did the Senator from Indiana protect himself to that extent?

The PRESIDING OFFICER. The Chair has ruled that he did. The Senator from Indiana is recognized.

Mr. COPELAND. A parliamentary inquiry.

Mr. CLARK. I make the point of order that the Senator from Indiana has spoken twice upon the same subject in the same legislative day.

The PRESIDING OFFICER. The Chair holds that he was in his second speech on the same legislative day and has not lost the floor.

Mr. COPELAND. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. COPELAND. It is my duty, I assume, as chairman of the subcommittee of the Committee on Appropriations, to try to have the measure having to do with flood control enacted into legislation. When and how may I do that? If I am not permitted under the rules to do it now, when may I do it?

The PRESIDING OFFICER. The Chair will recognize the Senator from New York immediately upon the conclusion of the speech of the Senator from Indiana.

Mr. COPELAND. Very well. I am very much obliged to the Senator from Indiana for yielding to me.

Mr. CLARK. I understand the Chair to rule that a Senator does not lose the floor—and this may be very important during the progress of the debate—by yielding for the purpose of having a conference report considered.

The PRESIDING OFFICER. The Chair would take it that he would unless he asked for unanimous consent, and the Chair takes it that that was what the Senator from Indiana meant.

Mr. CLARK. Did the Senator from Indiana ask for unanimous consent?

The PRESIDING OFFICER. He said he would yield with this understanding.

Mr. CLARK. Was such an agreement made?

The PRESIDING OFFICER. There was no objection to it, the Chair will hold.

Mr. CLARK. Was any such agreement made? I make the point of order—and I should like to have the Chair rule on it, because it may be very important during the progress of the debate—that the Senator from Indiana lost the floor by yielding for the consideration of another matter.

The PRESIDING OFFICER. The Chair has ruled that the Senator from Indiana did not lose the floor under the circumstances.

Mr. CLARK. I hope that decision will be followed by the permanent Presiding Officer of the Senate.

Mr. MINTON. Now, Mr. President—

(At this point the President pro tempore took the chair.)

Mr. CLARK. Mr. President—

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. CLARK. I make the point of order that the Senator from Indiana, having spoken twice in one legislative day, and having voluntarily yielded the floor for other business, has lost the floor.

The PRESIDENT pro tempore. The President pro tempore was temporarily absent, and therefore will the Senator state the facts upon which he bases his point of order?

Mr. CLARK. I think there is no dispute that the Senator from Indiana is now occupying the floor for the second time during this legislative day on the same question. I may say in passing that I think the decision announced by the Chair yesterday as to the question of whether the rule applies to the same legislative day or the same calendar day is entirely erroneous; but that is a matter to be considered when the question is raised. Following the rule laid down by the Chair yesterday, the President pro tempore of the Senate then being in the chair, that he would hold that the rule applied on the same legislative day, I make the point of order that, having occupied the floor twice, and having voluntarily yielded the floor for the purpose of having a conference report brought up and other intervening business transacted, the Senator from Indiana has lost the floor.

The PRESIDENT pro tempore. The Senator is correct—

Mr. ROBINSON. Mr. President, I make the point of order—

Mr. MCCARRAN. May we have a ruling on the point of order?

Mr. ROBINSON. The previous occupant of the chair has already ruled on the point of order, and held that in all fairness the Senator from Indiana did not surrender the floor.

Mr. CLARK. Mr. President, I submit—

The PRESIDENT pro tempore. The Chair would be under obligation to Senators if they would allow the Chair to complete his ruling.

The Senator from Missouri makes the point of order that the Senator from Indiana, having spoken once today and having taken the floor again later and commenced another speech, and having, as he states, yielded for the consideration of a conference report, is now engaged on his third speech. If that constitutes a third speech, the point of order is well taken.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDENT pro tempore. The Chair trusts he will be allowed to go on with the ruling.

Mr. CONNALLY. I beg pardon of the Chair. I thought the Chair had said enough. [Laughter]

The PRESIDENT pro tempore. The Senator is always in error. [Laughter.]

The last section of rule VII provides as follows:

The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

Such a motion is a privileged motion which any Senator may make when he can obtain the floor. The motion and action thereon does not set aside the pending business as other motions do; it merely suspends such business under this section of the rule and all proceedings thereon, and therefore does not take a Senator off the floor but merely suspends his speech and allows him to remain in control of the floor during the temporary suspension and to continue such speech when such suspension ends. He may, of course, refuse to yield for such motion.

Yesterday the present occupant of the chair, in reply to a question from the Senator from Montana [Mr. WHEELER], stated that the exceptions to business which might be transacted without taking off the floor a Senator who was speaking were the three particular matters which are exceptions to the general rule. So the point of order is overruled.

Mr. CONNALLY. A parliamentary inquiry.

Mr. ROBINSON. I call for the regular order.

The PRESIDENT pro tempore. The Senator from Texas will state his inquiry.

Mr. CONNALLY. Is what has just transpired in the Senate a precedent for the doctrine that when a Presiding Officer does not rule to suit us we get a new one?

The PRESIDENT pro tempore. The Chair has reinforced the former ruling.

Mr. ROBINSON. Mr. President, I make the point of order that that is not a parliamentary inquiry.

The PRESIDENT pro tempore. The Chair has no opportunity to answer a question of that kind. That is all left to the courtesy of the Senate. The Senator from Indiana has the floor.

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

Mr. MINTON. Mr. President, I hope I have the assurance of the Chair that I have the floor. It has been a little bit tottery around here for a few minutes, but before I yielded so easily I was discussing the observations of the Senator from Montana concerning the political activities of the Chief Justice of the Supreme Court. I said that I proposed to show by the conduct of the Supreme Court in the last few months, in the rendition of its decisions, that it had made a complete about face, and that there is no other explanation for this about face except politics. Five-to-four decisions, made possible by the vote of Mr. Justice Roberts, declared certain kinds of legislation unconstitutional; but by a simple change of the mind of Mr. Justice Roberts that kind of legislation was made constitutional by a vote of 5 to 4. No one amended the Constitution. No one pretended that the Constitution had been amended. Only a Judge had changed his mind. I wish now to direct my remarks for a few minutes to the record, to see whether or not the inference I draw that politics prompted a change of Mr. Justice Roberts' mind is substantiated by the record.

On June 1, 1936, I believe, the Supreme Court handed down the opinion in *Tipaldo* against *Morehead*, in which it held that minimum-wage legislation could not constitutionally be enacted by the State of New York. Senators will recall that along in 1923, in the case of *Adkins* against the *Children's Hospital*, the Supreme Court had decided that even in the District of Columbia, where the Federal Government has jurisdiction, the Federal Government could not constitutionally enact minimum-wage legislation. So that created the well-known "no man's land" that was referred to in the campaign of 1936, wherein neither the States nor the Federal Government could enter, because of the position of the Supreme Court of the United States.

So a great party, the Republican Party, at last accepted the amendment proposed by its candidate, Mr. Landon, in a telegram to the Republican national convention, and said that it would be for an amendment to the Constitution of the United States which would enable States to enact minimum-wage legislation. Shortly after the campaign was over, the Supreme Court of the United States had under consideration the case of *Parrish* against *West Coast Hotel Co.*, from the State of Washington, and they reversed the case of *Adkins* against *Children's Hospital*, and in effect reversed the case of *Tipaldo* against *Morehead*, and held that we could have minimum-wage legislation in this country both in the States and in the Federal jurisdiction.

The Constitution had not been amended, and Mr. Landon's proposed amendment was not needed. The only thing that had happened was that a Judge had changed his mind. When he changed his mind he was going contrary to the opinion that he had concurred in 10 months before when the decision in the case of *Tipaldo* against *Morehead* was handed down, because then he was with the majority of the Court that voted 5 to 4 against minimum-wage legislation. When he voted in April of 1937 he was on the majority side of the Court that voted 5 to 4 in holding that State

minimum-wage legislation was constitutional. Why did he change his mind? He never wrote it into an opinion. Senators may look in the books until they are blind and they will not find a word from Mr. Justice Roberts as to why we could not have minimum-wage legislation in 1936, but 10 months later he could have it. Why did he change? He was listening to the political voice of the Chief Justice of the United States.

Then we come down to the next line of decisions by the Supreme Court of the United States upholding the validity of the Wagner Labor Relations Act. I remind Senators that only a few months before, in the case of Carter against Carter Coal Co., Mr. Justice Roberts was then with the majority, with the five members of the Court in a 5-to-4 decision, which held the Guffey Coal Act unconstitutional, because it held that coal mining was not interstate commerce and that the matters set up in that case did not affect interstate commerce.

Mr. McCARRAN. Mr. President—

Mr. MINTON. And in the dissenting opinion handed down by the Court in upholding the Wagner Labor Relations Act—

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. MINTON. No; I do not yield.

So in the decision which was handed down upholding the validity of the Wagner Labor Relations Act, the minority of the Supreme Court, in dissenting in that case, pointed out that Mr. Justice Roberts, when he went over to the other side of the Supreme Court in this decision, was reversing the decision in Carter against Carter Coal Co.

But that is not all, Mr. President. He not only reversed the opinion that he believed in 10 or 11 months before, which held an act of Congress unconstitutional but he reversed three other opinions of the Supreme Court when he joined the majority of the Court in upholding the Wagner Labor Relations Act.

Mr. McCARRAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. MINTON. I do not.

Adair against United States was a case involving a Federal statute which made it an offense for anyone engaged in interstate commerce to discharge an employee of the company so engaged in interstate commerce because he belonged to a labor union. That law was declared unconstitutional by the Supreme Court of the United States. But Adair against United States was overruled by Mr. Justice Roberts when he switched his opinion, because he upheld the Wagner Labor Relations Act, in which it is specifically provided that it is an unfair labor practice to proscribe a man because he belongs to a labor union.

More than that, Mr. Justice Roberts, in the same switch of his opinion, overruled the case of Hitchman Coal Co. against Mitchell, I believe, because in that case the Supreme Court had held that collective bargaining was illegal, and that a union did not have any right to organize coal miners for the purpose of bargaining collectively. Yet Mr. Justice Roberts, when he concurred in the opinion upholding the Labor Relations Act, upheld the provision in that act which said that collective bargaining and organizing for collective bargaining were legal.

Mr. McCARRAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. MINTON. No.

The PRESIDENT pro tempore. The Senator from Indiana declines to yield.

Mr. MINTON. The Wagner Labor Relations Act also provided that it was an unfair labor practice to use the "yellow dog" contract.

Mr. McCARRAN. Mr. President, will the Senator yield for a question?

Mr. MINTON. Mr. President, I decline to yield, and the Senator from Nevada knows I decline to yield.

The PRESIDENT pro tempore. The Senator from Indiana declines to yield.

Mr. McCARRAN. Even for a question?

Mr. MINTON. I will yield when I get through, and then the Senator can ask me all the questions he desires.

The Wagner Labor Relations Act outlawed and made it an unfair labor practice to use the "yellow dog" contract. But in Coppage against Kansas the Supreme Court of the United States had upheld the "yellow dog" contract and had overruled a law of the State of Kansas that would have outlawed the "yellow dog" contract.

Mr. McCARRAN. Mr. President—

Mr. MINTON. And yet when Mr. Justice Roberts changed his opinion and went over to the side of the majority in the Wagner Labor Relations Act decision he reversed that case.

Mr. McCARRAN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. McCARRAN. I appeal to the Senator from Indiana to yield for just a little bit of a question.

Mr. MINTON. I will yield to the Senator in just a "leetle bit" of a while. [Laughter in the galleries.]

Mr. BLACK. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state the point of order.

Mr. BLACK. When a Senator takes the floor to speak, and announces in advance to all the Senate that he will not yield for a question, I desire to know if it is in order to continue to interrupt his speech from time to time.

The PRESIDENT pro tempore. Whenever a Senator rises and addresses the Chair—

Mr. McCARRAN. Mr. President, that matter is—

The PRESIDENT pro tempore. Will the Senator please let the Chair rule? Whenever a Senator rises to address the Chair, it is the duty of the Chair to recognize the Senator; and when the Senator asks a question of the Chair, it is the duty of the Chair to answer the question, or to rule.

Mr. BLACK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BLACK. Is it true, then, that if it is desired to do so by Senators on the floor, and they wish to continue to interrupt a Senator's speech, knowing that he will not consent to such interruption, they may continue to do so in order to obtain the effect of interrupting the speech?

Mr. McCARRAN. Mr. President, may I address myself to the Chair on that subject, or may I not?

Mr. MINTON. I decline to yield for that purpose.

The PRESIDENT pro tempore. The Senator from Indiana has declined to yield. A parliamentary question was asked by the Senator from Alabama [Mr. BLACK]; and the Chair, in reply, says that a Senator may not continue to interrupt another Senator for the purpose indicated. The Senator from Indiana has the floor.

Mr. MINTON. Mr. President, when Mr. Justice Roberts switched his position in the Wagner Labor Relations case, and joined the majority in upholding that act, by which he reversed himself in Carter against Carter Coal Co. and reversed the position of the Supreme Court in Adair against United States, Coppage against Kansas, and in the Hitchman Coal Co. case, why did he change his opinion, and why did he join in the opinion and reverse three other opinions of the Supreme Court? Search the record, and it will be searched in vain for a word from Mr. Justice Roberts as to why he did it. My opinion as to why he did it is that he was listening to the siren voice of the political Chief Justice of the Supreme Court.

I come down finally to the last cases, involving social security. There, again, we find that Mr. Justice Roberts has gone over to the side of the majority, which held, 5 to 4, that social-security legislation in this country was constitutional. When he did that he joined in the statement of the great liberal on the Court who wrote the opinion, Mr. Justice Cardozo, when in one crisp sentence he said what all the liberals in the Congress agree with:

The Congress of the United States has the power to tax and spend for the general welfare.

Mr. Justice Roberts joined in that opinion, and when he did so he overruled himself in the A. A. A. case, in which he wrote the opinion.

He held that the welfare clause was the chief question in the case; he embraced the Hamiltonian theory as to the general welfare; he then refused to decide the case on that basis and held that the Government could not tax and spend for the general welfare. So he overruled himself in that case by joining in the opinion upholding the Wagner Act.

He wrote the opinion in the case of Railroad Retirement Board against Alton Railroad, which held that the pension law for railroad employees was unconstitutional, and he not only held that that particular law was bad but, as Chief Justice Hughes pointed out in his dissenting opinion, he went further than the facts required and held that the Congress of the United States had no power to pass pension laws of that kind even though applied to employees engaged alone in interstate commerce. Yet, Mr. Justice Roberts joined with the majority—with Mr. Justice Cardozo and the other liberals on the Supreme Court Bench—in upholding the social-security legislation; and he reversed the Triple A decision and his holding in the railroad-retirement decision. Why did he do it? You will search the reports in vain; you will find not a word from Mr. Justice Roberts as to why he did it. Why did he do it? I think he was just listening to the wee small voice of the Chief Justice that was talking politics to him. There is no other explanation for such an unprecedented, unknown about face on the part of a Justice of the Supreme Court.

So I draw the conclusion—and it is the only conclusion that can be drawn—because when a man reverses himself three times and in addition to that reverses three other opinions of the Supreme Court and never has the hardihood to say why, what other inference is there to be drawn from it? There can be no other, in my mind, because the Justice did not see fit to make any explanation.

I was talking to one of the great Senators on the other side of the aisle. I will not mention his name, but he is a brilliant man and has a keen sense of humor. He said to me, "Senator, what is this bill of the President? How many judges is it that he wants the right to appoint?" I said, "Six." "Well," he said, "after reading these recent opinions of the Supreme Court, I think he ought to have nine." [Laughter.]

Mr. President, I am unwilling to have the balance of power reside thus in the hands of Mr. Justice Roberts, because, if I am right in my deduction that he changed his opinion in these three cases, and swept aside his opinions in three other cases in which the Supreme Court had rendered opinions, he did it for political reasons. I think when he has accomplished his political purpose he will turn back. I am afraid, Mr. President, he will backslide. In southern Indiana, where I come from, we used to have camp meetings every year. People would go down to the mourner's bench, which is sometimes called "hitting the sawdust trail", and they would get religion. There was one old fellow who just as certain as we had a camp meeting would be there and he would lead the procession on the first night down the sawdust trail, but just as soon as the camp meeting was over he would backslide and be down at the saloon with the boys. On the first day of the camp meeting, however, he would always be there, and it got to be a ritual for Uncle Billy to walk down the aisle and break his bottle at the foot of the pulpit, until finally they would not open the camp meeting unless they had a dustpan and a broom to sweep up his bottle. [Laughter.] So I am afraid that Justice Roberts may backslide and will not stay with the liberal opinions in which he has been joining.

Mr. President, the Senator from Montana challenged me as only he can challenge. He walked right over, almost smacked his fist in my face, and challenged me about the statement I had made that Judges of the Supreme Court were

packing the Court. He asked me to look into the hearts and minds of the Justices and state by what alchemy or clairvoyancy I could tell why they did thus and so. Oh, no; I did not look into their minds to determine whether or not they were sitting there to pack the Court, and if the Senator from Montana had done me the honor to hear me yesterday he would have found the reason why I thought they were sitting there to pack the Court. I did not look into their minds; oh, no; I have not that occult power; I did not see into their hearts and minds; I just looked into the lawbooks; and when I looked into the lawbooks what did I discover? I discovered that in the last 3 years Mr. Justice Van Devanter has averaged a little over two opinions a year, and I drew the conclusion that he was not working. Well, what was he doing on the Supreme Court? He was packing the Supreme Court so that Roosevelt could not appoint his successor. There was not any other conclusion. Do you think, Mr. President, that if Mr. Landon had been elected in 1936 Justice Van Devanter would not have resigned?

I look again into the lawbooks and count the opinions that Mr. Justice McReynolds has been rendering during the last 3 years, and I find he has handed down a little over five opinions a year. What has he been doing on the bench? He has not been working. He has been packing the Court. As the Merry-Go-Round quoted him—and I have not seen him deny it—he would stay on there and would not resign so long as this man was in the White House.

Mr. BURKE. Mr. President, will the Senator yield there?

Mr. MINTON. Not at this point.

Mr. BURKE. I desire to ask a question with reference to the Merry-Go-Round.

Mr. MINTON. Let the Senator ask me later. I was asked to say whether I looked into the mind of Mr. Justice Sutherland. Not at all; but I looked into the lawbooks and found that he has not been hurting himself with work; and everyone knows that that great Justice, because of reasons sufficient unto himself that have been reported to us in the press, concerning the condition of his health, wanted to retire from the bench. Do you suppose, Mr. President, he would not have retired if Hoover had been elected in 1932 or if Landon had been elected in 1936? So I do not look into the hearts or minds of these gentlemen. I simply look into the lawbooks.

The Senator from Montana says—and in this he joins up with the "historic report" to which I referred yesterday—that the pending measure, if passed, would apply force to the Court; that it would force somebody to retire; that it would force Justice Brandeis, that grand old liberal, from the bench. Not at all. It would spare him. If he wanted to remain on the bench, he would be welcome to stay, and under this bill there is not anything that would force him off. He would be perfectly welcome to stay under the bill as it is now drawn. What is the force that this bill applies? Let us see what force it authorizes and the manner in which it would operate. If it went into effect, we could go to one of these Justices who is 75 years old and say, "Pardon me, Mr. Justice, you have served your country well and are 75 years of age; you can retire at \$20,000 a year; although all other Government officers and employees do not get full pay on retirement, you may retire, if you like, at full pay." Or if he should not elect to retire from the bench, we could say, "Well, pardon us, Mr. Justice, if you do not care to retire, we hope you will not consider us rude if we ask you to move over." [Laughter.]

Mr. President, that is the force of this bill, and that is all the force there is in it. It is an offer to distinguished Justices that they may retire at full pay or if they do not want to retire—

Mr. McCARRAN. Mr. President, does the Senator speak for himself?

Mr. MINTON. I do not yield.

The PRESIDENT pro tempore. The Senator from Indiana declines to yield.

Mr. MINTON. If they do not want to retire, the worst that could happen would be that another distinguished

lawyer would sit down on the bench beside them. The historic reports characterize that as punishing the judges. O tempora; O mores! Oh, horror on horror's head! Oh, visions of the thumbscrew, the rack, and the torture chamber! Think of the punishment that a judge may have to endure who retires on full salary, or, if he does not elect to retire, to have another eminent lawyer sit down beside him. That is what signers of the report call "punishing the Court."

Mr. President, I have detained the Senate longer than I intended to. I thank the Senate for this opportunity to speak a word on this very interesting subject. I yield now for any questions Senators may care to ask me.

Mr. BONE. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Washington?

Mr. MINTON. I yield.

Mr. BONE. Since the people of the Senator's State received such a thorough and artistic trimming in the McCardle case, I wonder if the Senator would care to comment on it?

Mr. MINTON. That is one of the sad stories of Indiana. I would not want to take the time of the Senate now to discuss that matter, though I may do so at a later time. I have introduced a bill which I hope will bring relief to the condition which has been inflicted upon Indiana and the rest of the country by the McCardle case, in which the opinion was handed down by Mr. Justice Butler.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BURKE. As I understand the Senator's position, he favors the bill to add to the members of the Supreme Court in order that men may be put on the Court whose opinions and thinking will be known in advance and who under no circumstances would ever change their views. Is that correct?

Mr. MINTON. No, sir.

Mr. BURKE. Would the Senator have been happier and easier in his mind if Mr. Justice Roberts and the other members of the Court to whom he has referred had never changed their minds at all?

Mr. MINTON. No, sir.

Mr. BURKE. Does the Senator have any serious objection to a judge who reaches a conclusion at a certain time, and later on, in the light of other evidence, further thinking, and more able argument, possibly, reaches a different conclusion, from frankly so stating and voting on the basis of that different conclusion?

Mr. MINTON. He did not frankly state it. He only cast a vote, and I can only imagine what would have happened in this country if this bill had passed and the Supreme Court, after it had been reorganized, had then handed down the line of decisions it has handed down in the last few months. A cry would have gone up from the Liberty League and the American Bar Association and the economic royalists that would have taken a wailing wall as long as the wall in China to accommodate them, because they were condemning a court that had been set up to change the opinion of the Supreme Court and amend the Constitution.

I cannot understand why Senators are satisfied with a Court that can change its mind under circumstances of that kind, and then would not let the President of the United States add men to the Court who did not need their minds changed.

Mr. BURKE. Mr. President, will the Senator yield further?

Mr. MINTON. I yield.

Mr. BURKE. In his very able speech the Senator quoted from the Washington Merry-Go-Round. I should like to know if the Senator by any chance has also read that great volume entitled "The Nine Old Men" and possibly drew some inspiration from that book?

Mr. MINTON. I read it a long time ago. I cannot at the moment feel the inspiration. I did get a little inspiration from the book the Senator from Nebraska and somebody else helped Mr. Pusey write. [Laughter.]

Mr. BURKE. That book would do the Senator good, I know.

The Senator referred early in his remarks to the great number of letters and telegrams he had received from constituents in his home State of Indiana objecting to the bill and informed us that he had had a check made and found that all of them or most of them were regularly enrolled Republicans. My question is, Did the Senator happen at that time to learn the political affiliation of Gen. Arthur St. Clair? [Laughter.]

Mr. MINTON. No. He had been dead 118 years, I understood.

Mr. BURKE. When the Senator wrote to him?

Mr. MINTON. Yes. I would expect that to come from the Senator from Nebraska. He is always generous and considerate of his colleagues. He had better be looking up some of his dead constituents before the next election. [Laughter.]

Mr. McCARRAN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. MINTON. I yield.

Mr. McCARRAN. I should like to ask the Senator from Indiana if he would support a measure which would remove Mr. Justice Brandeis, but would retain Mr. Justice Roberts?

Mr. MINTON. No; I would not; and I do not believe Congress has the power to do it. I am sure they would not be—what shall I say?—unwise enough to do that sort of thing.

Mr. McCARRAN. Would the Senator support a bill that would veto—that is, would place a coadjutor as against Mr. Justice Brandeis, but none as against Mr. Justice Roberts?

Mr. MINTON. No; but I would hope that the coadjutor would neutralize Mr. Roberts and go along with Mr. Brandeis.

Mr. McCARRAN. I understand the Senator from Indiana is now ready to yield the floor. Am I correct?

Mr. MINTON. That is correct. I yield the floor.

Mr. McCARRAN. Mr. President—

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. ROBINSON. Mr. President, does the Senator desire to proceed this afternoon?

Mr. McCARRAN. I do not; but I desire to have it understood that I shall have the floor when the Senate convenes tomorrow.

Mr. ROBINSON. Very well.

Mr. McCARRAN. I thank the Senator from Arkansas.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 17 minutes p. m.) the Senate took a recess until tomorrow, Saturday, July 10, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 9 (legislative day of July 6), 1937

DIPLOMATIC AND FOREIGN SERVICE

Leo J. Keena, of Michigan, now Envoy Extraordinary and Minister Plenipotentiary to Honduras, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Union of South Africa, vice Ralph J. Totten.

John D. Erwin, of Tennessee, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Honduras, vice Leo J. Keena.

INTERSTATE COMMERCE COMMISSION

Joseph B. Eastman, of Massachusetts, to be an Interstate Commerce Commissioner for a term expiring December 31, 1943. (Reappointment.)

UNITED STATES TARIFF COMMISSION

A. Manuel Fox, of New York, to be a member of the United States Tariff Commission for the remainder of the term expiring June 16, 1942, vice Robert Lincoln O'Brien, resigned.

COAST GUARD OF THE UNITED STATES

Chief Boatswain (L) Anthony F. Glaza to be district commander, with the rank of lieutenant, in the Coast Guard of the United States, to take effect from date of oath, in place of District Commander James A. Price, retired.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO ADJUTANT GENERAL'S DEPARTMENT

Maj. Leo Vincent Warner, Field Artillery, with rank from July 1, 1936.

TO QUARTERMASTER CORPS

Capt. John Arthur Weeks, Coast Artillery Corps, with rank from August 28, 1933.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

Lt. Col. Edmund Russell Andrews, Infantry, from July 1, 1937.

Lt. Col. Joseph Albert Rogers, Field Artillery, from July 1, 1937.

Lt. Col. Max Robert Wainer, Quartermaster Corps, from July 1, 1937.

Lt. Col. Karl Ferguson Baldwin, Coast Artillery Corps, from July 1, 1937.

To be lieutenant colonels

Maj. Charles Holmes Cunningham, Corps of Engineers, from July 1, 1937.

Maj. Dwight Frederick Johns, Corps of Engineers, from July 1, 1937.

Maj. William Arthur Snow, Corps of Engineers, from July 1, 1937.

Maj. Thomas Dewees Finley, Infantry, from July 1, 1937.

Maj. Elroy Sandy Jackson Irvine, Corps of Engineers, from July 1, 1937.

Maj. Stanley Eric Reinhart, Field Artillery, from July 1, 1937.

To be majors

Capt. Archibald Luther Parmelee, Coast Artillery Corps, from July 1, 1937.

Capt. Walter Byron Fariss, Infantry, from July 1, 1937.

Capt. John Patrick Crehan, Field Artillery, from July 1, 1937.

Capt. Donald Sutter McConnaughy, Field Artillery, from July 1, 1937.

Capt. Richard Brownley Gayle, Infantry, from July 1, 1937.

Capt. Robert Tappan Chaplin, Coast Artillery Corps, from July 1, 1937.

Capt. Raymond Edwin Vermette, Infantry, from July 1, 1937.

Capt. Abraham Robert Ginsburgh, Field Artillery, from July 1, 1937.

MEDICAL CORPS

To be lieutenant colonels

Maj. Thomas Grant Tousey, Medical Corps, from July 14, 1937.

Maj. Charles Granville Souder, Medical Corps, from July 15, 1937.

Maj. Edwin Forrest Shaffer, Medical Corps, from July 15, 1937.

Maj. Harrison Horton Fisher, Medical Corps, from July 15, 1937.

Maj. Charles August Stammel, Medical Corps, from July 15, 1937.

Maj. Laurent Liscelles La Roche, Medical Corps, from July 16, 1937.

Maj. Stanley Gibson Odom, Medical Corps, from July 16, 1937.

Maj. Horace Sumner Villars, Medical Corps, from July 17, 1937.

Maj. Burgh Smith Burnet, Medical Corps, from July 17, 1937.

Maj. Joseph Richards Shelton, Medical Corps, from July 17, 1937.

Maj. John Marion Stanley, Medical Corps, from July 17, 1937.

Maj. Robert Keith Simpson, Medical Corps, from July 17, 1937.

Maj. Don Guernsey Hildrapp, Medical Corps, from July 17, 1937.

Maj. Henry Wiley Grady, Medical Corps, from July 18, 1937.

Maj. Percy Elisha Duggins, Medical Corps, from July 18, 1937.

Maj. Brown Shirk McClintic, Medical Corps, from July 18, 1937.

Maj. Henry Cheesman Dooling, Medical Corps, from July 18, 1937.

Maj. Carl Hamlin Witherell, Medical Corps, from July 18, 1937.

Maj. Paul Henry Streit, Medical Corps, from July 18, 1937.

Maj. Earle Douglass Quinnell, Medical Corps, from July 18, 1937.

Maj. Frank McAlpin Moose, Medical Corps, from July 18, 1937, subject to examination required by law.

Maj. Emory Howard Gist, Medical Corps, from July 18, 1937.

To be captain

First Lt. Edward Rudolf Wernitznig, Medical Corps, from July 18, 1937.

DENTAL CORPS

To be lieutenant colonels

Maj. Harold Emerson Albaugh, Dental Corps, from July 13, 1937.

Maj. Harry Edwin Smalley, Dental Corps, from July 13, 1937.

Maj. William Dale White, Dental Corps, from July 13, 1937.

Maj. Neal Anthony Harper, Dental Corps, from July 13, 1937.

Maj. Earle Jefferson McClung, Dental Corps, from July 13, 1937.

Maj. Earl Lee Hering, Dental Corps, from July 13, 1937.

Maj. Samuel John Rohde, Dental Corps, from July 13, 1937.

Maj. Leroy Poston Hartley, Dental Corps, from July 13, 1937.

Maj. Nathan Corr Pickles, Dental Corps, from July 13, 1937.

Maj. Oliver James Christiansen, Dental Corps, from July 13, 1937.

Maj. Lawrence K. Anderson, Dental Corps, from July 13, 1937.

Maj. William Crittenden Webb, Jr., Dental Corps, from July 13, 1937, subject to examination required by law.

Maj. Edward Crawford Alley, Dental Corps, from July 13, 1937.

Maj. Lynn Harold Tingay, Dental Corps, from July 13, 1937.

Maj. Marhl Hector Welch, Dental Corps, from July 13, 1937.

To be major

Capt. Kenneth Pearce Fulton, Dental Corps, from July 15, 1937.

VETERINARY CORPS

To be lieutenant colonel

Maj. Stanley Clifford Smock, Veterinary Corps, from July 16, 1937.

CHAPLAIN

To be chaplain with the rank of lieutenant colonel

Chaplain (Maj.) John Truman Kendall, United States Army, from July 15, 1937.

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 9, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord God of hosts, may we feel Thy presence with the joy of elevated thoughts. Grant unto us a sense of dependence upon Thee, a desire to know Thy laws, and the spirit to obey them. We pray for a guiding faith that works by love. To those who are bearing heavy burdens, to those who are under sharp cares, minister unto them that faith by which they shall receive help and good cheer. Almighty God, in the presence of our country's need, by the splendor of the teaching of the Master, may quiet prevail, problems be solved, and contentment spread throughout our land. We pray Thee to touch men's better natures; stir the pools of their hearts that we may be as one household. O Spirit of God, burn in our national consciousness peace among men and mutual aid, which are our throbbing hopes. Heavenly Father, an associate, a dear friend, and a godly man has left us. He loved and followed the good, the pure, and the true. We pray for the richest blessings of Thy presence upon his devoted loved ones. In our Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PATRICK J. HALTIGAN

The SPEAKER. The Chair desires to make a brief statement before we take up any business.

I am assuming the liberty of announcing to the House of Representatives the death of Patrick J. Haltigan, late a reading clerk in the House of Representatives. I feel that it would be an evidence of gross indifference to the long, faithful, and efficient services of a devoted public servant were no notice taken of the departure of Patrick Haltigan. For 26 years he stood at his post here on the Speaker's rostrum and in most capable and satisfactory fashion performed the delicate and yet most responsible duties of one of our official reading clerks. During that period of more than a quarter of a century every man and woman who has served in this House was familiar with the sturdy figure, the noble voice, and the circumspect actions of this man. In response to his voice during that period at least one-half of every piece of legislation in our congressional annals has been recorded. Always at his post, always vigilant in the discharge of his duties, always personally interested in preserving the high and noble traditions of this body, he performed a public function of great and far-reaching importance in legislative affairs of our Republic.

In all of my acquaintance with men I think that I may say with absolute propriety that I have never known any man who possessed to a higher degree the innate instincts of a gentleman. He was a man of very deep and consecrated religious convictions, and I feel confident that the priest of his church, who ministered to him the last sacrament, was not called upon, as far as Pat Haltigan was concerned, to pray for the remission of many sins. It is a genuine grief upon the part of all of us, I am sure, and especially those who have been associated with Mr. Haltigan for so many years, to learn of his passing away. It may be said with absolute verity that in all things he kept the faith.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, there is nothing I can add to what has been so profoundly, sincerely, and eloquently stated by our distinguished Speaker.

Pat Haltigan was of invaluable assistance to all Members of the House, particularly to the new Members; always, in that perfectly gentlemanly manner so aptly referred to, and properly so, by the Speaker, encouraging and assist-

ing the new Members of the House in every way that he could. There is one lesson, to which the Speaker has so powerfully mentioned, that I think we all learn from the life of our late beloved friend, and that is the spiritual example he set to each and every person with whom he came in contact.

When I speak of spiritual example, I refer to no particular religion but to all religions. To one who has no religion, who is either an agnostic or an atheist, I refer to the higher things of life, to ethical influences; but, speaking to those who are possessed of a religious mind, I refer to the spiritual example set by Pat Haltigan in his daily life, in his efforts to obtain that place in the hereafter to which all persons who have a religious conviction believe and are endeavoring, each in his own way, to obtain.

Life, purely from a material angle, results in selfishness and callousness. I have a profound feeling of sympathy for one who is purely a materialist. Spiritual influences are necessary, in my opinion, for an individual to lead as successful and as happy a life as can be humanly approximated. Spiritual influences are also necessary in the life of a nation in order for a nation to prosper and progress.

In these days of apparent materialism the example of Pat Haltigan is one we will all remember. His life, and in particular without regard to one's religious beliefs, the spiritual lesson that we learn therefrom is one that we should endeavor to follow. If we do that, we need not feel concerned about the strictly worldly aspects of life. His life is also an example to nations. A nation which forgets or which has no spiritual life is a nation that is on the downward road, a nation that is in the process of decadence and disintegration.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

- S. 171. An act for the relief of George E. Shockley;
- S. 885. An act for the relief of H. G. Harmon;
- S. 1188. An act for the relief of J. E. Sammons;
- S. 1257. An act for the relief of James H. Smith; and
- S. 2266. An act for the relief of John A. Ensor.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein certain extracts from statutes and other public documents.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. GOLDSBOROUGH. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the Record a statement made by me before the Committee on Banking and Currency of the House on yesterday. I am informed by the Public Printer this will require four pages and that the additional two pages will cost \$100.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, on yesterday I was unavoidably absent from the House. If I had been present, I would have voted against the marriage-clause repeal bill, and I ask unanimous consent to extend my remarks in the Record on that subject.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. O'BRIEN of Michigan and Mr. MAVERICK asked and were given permission to revise and extend their own remarks in the Record.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein a resolution, not a memorial, adopted by the Michigan Legislature on June 15, 1937, with respect to civil service in the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter I had placed on the desk of every Member of this body on yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONSTRUCTION OF AUXILIARY VESSELS FOR THE NAVY

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 257.

The Clerk read as follows:

House Resolution 257

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2193, a bill to authorize the construction of certain auxiliary vessels for the Navy. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. O'CONNOR of New York. Mr. Speaker, this rule provides for the consideration of Senate bill 2193, authorizing the construction of auxiliary ships for the Navy. I understand the Committee on Naval Affairs was unanimous in its report and that there is substantially no opposition to the measure.

If time permits, it is intended to call up another rule today for the consideration of a bill (H. R. 6547) providing for the construction of a new naval hospital in the District of Columbia, a matter which probably has come to the attention of every Member, and there is little doubt but that there is need for this new hospital.

However, in considering these rules I would like to call to the attention of the House a matter which has been uppermost in my mind for some time. This is the 9th day of July, with no adjournment of Congress in prospect. The first bill we shall consider is a Senate bill. This bill will probably become a law.

The second bill is a House bill, and I hazard the guess that no House bill, unless of the most extraordinary importance, will ever be considered in another body. I also am willing to make a guess that another body will practically conclude its business when it disposes of the matter now pending before it.

Mr. Speaker, I was one of those Members who opposed the "lame duck" amendment to the Constitution changing the date of the convening of Congress and the inauguration of the President. I have no regret over that action. I thought the proposal was the infinitesimal magnified out of all proportion. The argument was that by merely changing the meeting of Congress all the problems of this Nation and even the entire world were going to be solved. How well the results have justified that prediction, I will leave to the judgment of the Members. As to the date of inauguration, I cannot recall it without sneezing and feeling the chills of pneumonia creeping through me.

Incidentally, I read in the press this morning that that distinguished senior Senator from Nebraska, the author of the "lame duck" amendment, has been advised to go home for the balance of the year, so he will not be subjected to the intolerable, torrid heat of the great Capital City. Why it was ever located here some of us still doubt. The influenza of the winter is only surpassed by the heat prostration of its summer. At least 100 miles from any ocean breeze, it is at least distinctive as compared with most of our other cities. Built

on filled-in land, below the sea level, it would have been an ideal place to raise ducks.

In the debate on the "lame duck" amendment, the distinguished Speaker from Ohio, the beloved Mr. Longworth, fought for at least one short session in each Congress.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I gladly yield.

Mr. STEFAN. I would like to correct the impression that may be created by the remarks just made. The senior Senator from Nebraska had an attack of indigestion, I may tell my distinguished colleague, and was in the hospital and, perhaps, for that reason his physician advised him to leave the Capital. It was not because of any activity going on in the other side of the Capitol.

Mr. O'CONNOR of New York. Of course, my only information about the distinguished Senator is obtained from the press. I am not vouching for the truth of the information.

Mr. STEFAN. Mr. Speaker, I merely want to tell the gentleman that the senior Senator from Nebraska is absent because of illness.

Mr. O'CONNOR of New York. There is a great amount of illness among our Members. On the roll call yesterday in this House there were 100 Members absent. One week ago there were only 90. That is an increase of 10 a week, which is 40 a month. If that proportion continues, it will not be long before we shall lack a quorum.

The late distinguished Speaker Longworth fought for at least one short session in each Congress. I voted with him. His amendment was that at least one session should end definitely on the 1st of May, because it was then freely predicted and not even disputed that once you put the "lame duck" amendment into effect, the sessions of this Congress would go on throughout the year, because there would be no impetus to adjourn. Of course, before this "lame duck" amendment we had a long session and a short session. The long session started on the first Monday in December and usually wound up in June. The short session started on the first Monday in December and ended on Inauguration Day, on March 4, by constitutional limitation.

What has happened in this session—and I say this in connection with the consideration of these rules today? Early in this session everyone took it for granted that we were going to be here ad infinitum, through the summer, through the fall, and the committees also took that for granted, and they are now coming to the Rules Committee asking for rules on House bills, with many more in prospect; and thus, after 6 or 7 months, when possibly some of the committees could have earlier completed consideration of these bills and arrived at a determination in much less time.

With that thought of an indefinitely prolonged session that was engendered early in this session, the thought that nobody could tell when we were going to conclude this session, there is still going to be, as I said, a succession of House bills considered here which are never going to be considered in another body.

Permit me to throw out for your consideration the suggestion of some fixed date of adjournment in the future. If some date were fixed—and I do not care what date is determined upon when we shall adjourn—it would add impetus to the transactions of the business of this House and the other body. I feel quite sure of that.

In addition to the 100 Members who have already bid us their adieu, there are other Members leaving here today and tomorrow. They just cannot tolerate the subterranean atmosphere of Washington any more. The House physician could tell you of the jeopardy of many of our Members. Of course, it is very lovely here in this Chamber with its air conditioning—too cold often—and they tell me that some of our Capital residents come here with their lunch baskets and stay here all day, because it is one of the most comfortable spots in town. But our offices are not yet air-conditioned. If you want to experience the nearest thing to inferno that I hope any of you will ever be compelled to inhabit, come up in this Capitol Building on the third floor to the Rules Committee, and its beautiful office, with crystal chandeliers, purloined

from the White House and the old Supreme Court room. Try to look through its 2-by-4 windows, with no exposure except through porticos built in 1859 out of English material. The coolest thing there is the English tile on the floor—if one could walk barefoot as in youth.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. SABATH. Is it not unfortunately true that the delay in reporting these bills is mostly due to some of the committees that deliberately delayed consideration in reporting the bills?

Mr. O'CONNOR of New York. Oh, I would not say that.

Mr. SABATH. And that many of them would have been reported out earlier than now?

Mr. O'CONNOR of New York. That may be, but I think the reason is that they all took it for granted that we were going to be here way into the fall. There is no reason for us doing that at all.

Of course, Mr. Speaker, some of us may have lost sight of the fact that we ourselves here have something to say as to how long we shall remain in session. I am greatly concerned about the health of our Members, our colleagues. Why, it is universally agreed that the intolerable weather conditions in this city are worse than in any other place in the world—even the Equator.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. MAY. Having reference to the question of my distinguished colleague from Illinois [Mr. SABATH] and the fact that some bills might have been reported, I ask the gentleman if it might not be a fortunate thing that several bills pending in committees might never be reported?

Mr. O'CONNOR of New York. Of course, experience in legislative bodies proves that what they do not do is their greatest contribution to the country's welfare.

Mr. BEAM. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. BEAM. I am very much interested in what the distinguished gentleman of the Rules Committee says, particularly in reference to the thought that we Members of the House have something definitely to say as to the date of adjournment. I ask the gentleman if it would be possible for him or anyone else here to bring in a resolution and submit it to the House as to a plausible date of adjournment?

Mr. O'CONNOR of New York. As I said, I am just throwing out—spreading, as it were—the suggestion that at least some date ought to be determined upon, and that would help to accelerate the end. I do not care if you fix the date in September or October, so long as you erect the rainbow; but this holding on, trying to fill in time is intolerable. Within a few hours back we devoted a whole day trying to transform a gnat into an elephant.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. FITZPATRICK. Mr. Speaker, assuming it to be true that there is no chance of getting bills through the other body, how about an arrangement to take recesses for 3 days at a time and notifying the other body that we are going to do that, and not transact any further business except what is absolutely necessary?

Mr. O'CONNOR of New York. Of course that is a rather unsatisfactory way to do it, unless it is understood that no business of any importance will be taken up for an extended time; say, 2 weeks or more. The lure of the mountains, the beaches, the sparkling trout streams, and those cozy nooks under the boughs, so teasingly described in Omar Khayyam, cannot be enjoyed in less than weeks. Members desire to disperse to diverse places to get some sort of a respite. I do not know how many summers have gone by with practically no opportunity for the Members of this House to have a vacation.

Mr. FULLER. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. FULLER. Am I correct in my understanding that the gentleman believes the sentiment of this House is overwhelming that we ought to adjourn soon so that business may have a rest and the country become settled and know what is going to happen in the country?

Mr. O'CONNOR of New York. Oh, I do not subscribe to that argument at all—not one whit.

Mr. FULLER. The gentleman is just talking about the health of the Members, is he?

Mr. O'CONNOR of New York. Not entirely. I have heard that argument for many years, that business wants us to adjourn—"close up Congress, and give business and the country a breathing spell." Bosh! Why, I remember in 1933, 1934, and 1935, when business was knocking at all these doors for us to stay here and take care of them and pull them out of the hole they dug for themselves. [Applause.] What is said in editorials about adjourning Congress and giving the country a rest just works in the reverse with me.

Mr. FULLER. The gentleman thinks it is a good idea to stay here, as far as business is concerned, and legislate all the time?

Mr. O'CONNOR of New York. Oh, no; I do not.

Mr. FULLER. Does not the gentleman know that we could never find an opportunity to adjourn if that were the case?

Mr. O'CONNOR of New York. Since the passage of the "lame duck" amendment you never can adjourn unless you return to a modification of that "lame duck" amendment. You will be confronted every year with this indefinite session of Congress.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. HOUSTON. Is it not a fact that after the adoption of the "lame duck" amendment the newly elected Members were compelled to come back here and go into session immediately after a strenuous campaign, without sufficient time to recuperate and rest, and they were not in the physical condition they should be when they came here?

Mr. O'CONNOR of New York. Oh, that may be. I am not complaining about pushing forward the meeting day of Congress. I am complaining about never having any end in sight.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. SNELL. I am in entire accord with the statement the gentleman has made about the "lame duck" amendment. I was one of the principal opponents of that amendment. While I do not know that I should admit it, it was held in Rules Committee for a long time, as the gentleman from New York knows [laughter]; but the results of the passage of that amendment have been exactly as we said they would be at the time it was before Congress. As you all know, there is never any end. As far as the distinguished gentleman who was the author of that amendment is concerned, who has been referred to this morning, a gentleman was in my office just this morning and said that that gentleman said it was a crime to have Congress in session suffering through the torrid heat of Washington at the present time. I do not say who it was, but I said the author of the resolution. Now, as far as the adjournment of Congress is concerned, of course, you can find all sorts of reasons, but I really believe the best thing that could happen at the present time would be for us to wind up the important business of the House and make some arrangement to take a recess subject to the call of the Speaker. I appreciate the fact that if the other body is going to be in session all summer we could not definitely adjourn, but if we could arrange for some kind of an agreement whereby we could do that, I think it would be the best possible thing to do and it would meet with the approval of the country. It has been done on former occasions.

Mr. O'CONNOR of New York. I hope the House will pardon me for inflicting my personal views upon them, but with a 93-plus temperature in our beautiful Capital, those are my

views, and I have to stick to them at least for the moment. [Laughter and applause.]

Mr. FULLER. Mr. Speaker, will the gentleman yield for a statement?

Mr. O'CONNOR of New York. Yes; I yield.

Mr. FULLER. The gentleman wants us to adjourn for our health. If we are not able to come here and take the gaff, we ought not ask to come back here at the next election. The Members of this House are able to stay here and stand it if there is real legislation that demands that we should stay here, but that is not the real purpose of it. We are not here for that purpose now. We have been here as long as we have now because needed legislation which we are now considering was not given to us until so late that we could not take care of it until the summer heat arrived. If we had had it earlier, we could have disposed of it. But it is a frivolous excuse to say to the country that we want to adjourn simply because the physique of the membership of this House is not able to stand it. That is not the real purpose why we want to adjourn.

Mr. O'CONNOR of New York. May I suggest that the gentleman is a little bit confused as to the reasons I advance for adjournment within some reasonable time.

Mr. FULLER. No; I am not confused at all.

Mr. O'CONNOR of New York. Knowing the gentleman's early physical training, I have never entertained any qualms about his health, and I think he entertains the same idea about the robust chairman of the Rules Committee. Nature, however, has not endowed all statesmen with the iron-hard biceps and the sturdy physique of the dean of the Arkansas delegation. But sunstroke respects neither the strong nor the weak. Old Sol penetrates through the hardest tissue of head or body. I was talking about some other Members, not us young fellows.

Mr. Speaker, when we have completed our business—and for all substantial purposes I think we have done that when we shall have passed our appropriation bills—then is the time to adjourn. There is only one general appropriation bill remaining undisposed of—the Interior Department bill. That will be concluded next week. There is nothing remaining that can prevent us adjourning for at least a few weeks. I respectfully submit it all for your consideration, believing it is really worth while. [Applause.]

Mr. MAPES. Mr. Speaker, there are no requests for time on this side on the rule.

Mr. O'CONNOR of New York. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. VINSON of Georgia. Mr. Speaker, I move that the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2193) to authorize the construction of certain auxiliary vessels for the Navy.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2193) to authorize the construction of certain auxiliary vessels for the Navy, with Mr. LAMNECK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I shall endeavor briefly to explain the object and purpose of this bill so that each Member can thoroughly understand what it is about. At the outset permit me to say that this is a Senate bill with two House amendments. The House amendments are in sections 2 and 3. It is also an administration measure. It is in accordance with the financial program of the Executive.

Mr. Chairman, the bill provides for the construction of six auxiliary ships. The maximum cost estimated is not to exceed \$50,000,000. It is estimated that it will require approximately 3½ or 4 years to build these auxiliary ships.

One-half of the number of these ships are to be constructed in the navy yards and one-half, if the bids are in accordance with what they should be, in the industrial yards. The contractor in the industrial yard is not permitted to make over a certain fixed percentage of profit, which is the same as was set out in the law in reference to the treaty navy. These two amendments are in accordance with existing law with reference to the construction of ships.

The policy of the Navy is to build one-half of the ships in the navy yards and one-half in industrial yards, provided the industrial yards submit bids in line with what they should be. I may say in this connection that recently a contract was called for to build a battleship. It was found, however, that the bid was not in accordance with the estimates made by the Navy Department. The Executive, therefore, in accordance with the act which I have just referred to, awarded both ships to navy yards—one to the Philadelphia Navy Yard and one to the Washington Navy Yard. In this connection I desire to set forth in the RECORD some valuable information showing a comparison between the estimated costs of navy yards and bids submitted by industrial yards. I am not one of those who believe that all of the Government work should be done in Government navy yards, but I do think that if the Government cannot obtain a fair and satisfactory bid from an industrial yard, then it should be, as it is in this case, authorized to have the vessels constructed in navy yards.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. REED of New York. I would be much pleased if there could be put in the RECORD the experience of the Navy in building ships in navy yards and in private yards. Is it a fact that oftentimes when the industry fails to make a low bid and the work is turned over to a Government navy yard that the navy yard comes back to us for more money?

Mr. VINSON of Georgia. That is true in certain cases. It has oftentimes happened that the actual cost of construction in navy yards has exceeded the cost of construction in industrial yards. On the other hand, however, it has likewise happened that it has cost more to construct ships in industrial yards than it has in navy yards. So we cannot have a fixed rule and say that it costs more to construct ships in either navy yards or industrial yards, for it all depends upon the particular conditions surrounding the individual ship.

It is only fair to say that the social-security bill, the Walsh-Healey bill, and other labor bills that we have passed have naturally made the cost go up in industrial yards. We have, however, given latitude to the Chief Executive not to award contracts in the event that private bids are way out of line but to construct the ships in navy yards; in fact, the appropriation bill makes this mandatory.

Mr. REED of New York. The point I wanted to make was that it is manifestly unfair to the industries of the country if they cannot bid low enough to get the contracts that then the Government comes in, turns the work over to a navy yard, and then the navy yard finds that it cannot construct the ship within its own estimate but must have more money.

Mr. VINSON of Georgia. Let me give the gentleman this information along that line in reference to the two battleships which were authorized at the last session of Congress: The Bethlehem Co. on the hull and machinery bid \$49,870,000 under certain conditions. The New York Shipbuilding Co. bid \$47,829,994. The Newport News Co. bid \$46,212,500. Those were the bids that must be complied with under the specifications of the contract. The estimates made by the Navy Department were for the New York yard, \$37,265,843, and another yard was \$36,560,300.

Bear in mind, however, that there is nothing that would prohibit the navy yard coming back to the Appropriations Committee and saying that they could not construct the ships within their estimate. The Appropriations Committee thereupon would be compelled to make additional appropriations to carry on this work.

Mr. REED of New York. I thank the gentleman.

Mr. VINSON of Georgia. So we have absolutely no assurance that these ships are going to be built for any less than the bids of the industrial yards.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. BOILEAU. The gentleman from New York referred to private shipbuilders. Is it not a fact that if the Government did not have its own navy yards capable of constructing these ships, in a way in competition with private shipbuilders, we would have to pay a very great deal more for battleships built at private yards?

Mr. VINSON of Georgia. We must not desert the private yards, because they constitute a very important part of our national defense.

You have only three Government yards large enough to construct this particular type of ship. If we drove out and refused to do business with the private yards or private industries, then we would jeopardize our national defense in a time of emergency.

Mr. BOILEAU. But the gentleman admits there was a saving of a lot of money by having the Government yards?

Mr. VINSON of Georgia. Of course, we are in accord on that.

Mr. SNELL. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. SNELL. In connection with the estimates made by the Government yard, it does not put in an estimate for what we call overhead charges, which amount to a great deal in the case of a private corporation?

Mr. VINSON of Georgia. That is correct. There is no question of taxes involved. There is no question of overhead involved. There is no social security. There are a great many other items. There is no question of profit. The industrial yards must be operated for profit. That is what the stockholders put their money in them for. In every contract you have to necessarily figure a certain profit, and that is all included in the estimate of the private yard.

Mr. SNELL. So that is an important matter to be taken into consideration?

Mr. VINSON of Georgia. Yes.

Mr. SNELL. Is this a new program or is it simply the continuation of some general program that has been adopted by a previous Congress.

Mr. VINSON of Georgia. This bill covers auxiliary ships. These are not fighting ships. While they may be a defensive weapon, they are not, strictly speaking, warships. They correspond in the Navy to the supply ships and as the Quartermaster's Department corresponds to the Army. Every one of these ships is a replacement ship, with one exception. There is one ship provided for which is in addition to the auxiliary fleet. The balance of them are replacements of old obsolete ships that go out of the picture.

Mr. TOBEY. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New Hampshire.

Mr. TOBEY. I did not have the privilege of hearing the gentleman's original talk, but may I ask him if this bill is in addition to the Vinson naval bill passed 3 years ago?

Mr. VINSON of Georgia. No; not at all. This bill is merely supplemental to that bill, because this covers the auxiliary fleet, which is absolutely essential in support of the destroyers, the seaplanes, and the submarines.

Mr. TOBEY. The gentleman also has in mind the present statute limiting profits?

Mr. VINSON of Georgia. Yes.

Mr. TOBEY. Is that covered herein?

Mr. VINSON of Georgia. Yes. Section 2 was put in by the Naval Affairs Committee. We have followed the law in accordance with the amendment offered by the distinguished gentleman from New Hampshire.

Mr. TOBEY. In the gentleman's judgment, has that worked out to the advantage of the Government?

Mr. VINSON of Georgia. I am not in a position to say, but it probably has been a step in the right direction. We cannot always get economy on certain things. It might be wise to limit the profit, and in certain cases it might cost more, but we are not going to try to repeal it.

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 5 additional minutes.

Mr. BLAND. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Virginia.

Mr. BLAND. In answer to a question asked by the gentleman from Wisconsin, I understood the gentleman from Georgia to say that construction in the navy yards had saved considerable money for the Government.

Mr. VINSON of Georgia. I said in certain cases it has, and in other cases it has not. The record is full of argument on both sides of the question. If you will examine the hearings you will find some reports of the Bureau of Construction which show that repairs to a long line of ships were probably more economical in the navy yard; but, on the other hand, in a great many instances it would have been far cheaper to have built the ships in an industrial yard. So, as I say, you cannot make a definite statement to cover it entirely.

Mr. BLAND. I concede that work in both yards is of general benefit to the country.

Mr. VINSON of Georgia. Of course it is.

Mr. BLAND. Because it gives the navy yard the benefit of the technical experts of the industrial yards?

Mr. VINSON of Georgia. Yes.

Mr. BLAND. At the same time, if there was not construction in the navy yards, the right to examine the figures and to ascertain the cost would give the yardstick to which the gentleman refers, even if construction was in an industrial yard.

Mr. VINSON of Georgia. At the same time, let me impress the Committee with this one further thought: While we want to construct our ships as cheaply as possible, it is absolutely essential that we have these private industries. They are the "goose that lays the golden egg." They are the taxpayers of this country, and when you take business away from them you lessen the opportunity of your Government to collect taxes, and we have to have taxes to support the Government in order to operate navy yards. We should give equal opportunity to the industrial yards as well as to the navy yards and try to get the best ship at the cheapest price.

Mr. GREEVER. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Wyoming.

Mr. GREEVER. Does this authorize a new appropriation?

Mr. VINSON of Georgia. This will authorize an appropriation of approximately \$50,000,000 within the next 3 years or probably over a longer period of time.

Mr. GREEVER. This has not been previously authorized?

Mr. VINSON of Georgia. This has not been previously authorized, and I may say that this bill is in accordance with the program of the President of the United States. It is a bill that the administration is insisting upon having enacted at this session of the Congress.

Mr. TABER. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. TABER. Are there any other ships of this type authorized at the present time that are not under construction?

Mr. VINSON of Georgia. I may say that contracts for probably some of the combatant ships authorized in the last appropriation have not yet been awarded. This is just the beginning of a program to lay down gradually over a period of years auxiliary ships to support the fighting ships.

Mr. TABER. Within what time is it proposed, if the gentleman knows, to submit Budget estimates to the Congress for the commencement of these ships?

Mr. VINSON of Georgia. I may say at the next session of Congress. At that time this Budget authorization will come in.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. FITZPATRICK. Not only will it build up the national defense of our country, but it will put many men to work, not only in the yards but in the factories where the yards get their supplies.

Mr. VINSON of Georgia. Yes; that is true. At the same time, I may say to the gentleman from New York, we are not justified in building ships just to give employment to people. We are justified in building ships only when the national defense of the country requires it. However, there is a dual purpose involved.

Mr. FITZPATRICK. That is what I have stated. I agree with the gentleman on that.

Mr. VINSON of Georgia. Yes.

Mr. Chairman, as I stated a moment ago, this bill merely provides for one additional ship for the auxiliary fleet. The auxiliary fleet is composed of approximately 94 non-combatant ships. This will add one additional ship, a seaplane tender. A seaplane tender is a ship that must travel along with the fleet to afford housing, repair, accommodations, and gas and oil for the large bombers that accompany the fleet. For instance, one of these large bombers, in making an effort to locate the Pacific flyers within the last few days, was out 24 hours and covered 2,700 miles. It is this type of plane the seaplane tender takes care of.

The destroyer tender takes care of the destroyers. A destroyer is a very small ship which has accommodation only for its officers and personnel on account of its enormous machinery. A submarine has accommodations for none except its crew, and the submarine tender takes care of the submarine.

Mr. Chairman, as you will observe, this is a Senate bill with two House amendments. The bill passed the Senate unanimously. It is a departmental measure and authorizes the construction of six auxiliary vessels at a cost not to exceed \$50,000,000. It is in accord with the financial program of the President.

In order that the Members of the House may have a clear understanding of this measure, I shall endeavor to explain the use of the vessels provided for in this bill and give the reasons why they are needed in the Navy. These vessels provided for in the bill are for the support and proper maintenance of the combatant vessels of the fleet when such vessels are operating away from regular established shore bases. Auxiliary vessels which serve the fleet for its maintenance in operating away from shore bases consist of repair ships, tenders, store ships, munition ships, hospital ships, tugs, and so forth.

There are in commission some 94 such vessels and out of commission 48, making the auxiliary strength of the Navy 142 ships. However, the auxiliary ships have largely been provided by the conversion of vessels not originally built for the purpose and are inadequate, particularly in speed, to enable them to accompany the fleet even in peacetime cruising. The auxiliary vessels of the fleet go to make up what is known as the train. The train for the Navy is analogous to the service of supply in the Army. We know that the Army in the field to be able to operate must have its service of supply. Likewise, it is far more necessary for the Navy to have its train when operating at sea or from distant ports thousands of miles from its shore bases.

SEAPLANE TENDERS

The first item in the bill authorizes the construction of one seaplane tender. This is the only vessel provided for in this bill that is an addition to the Navy. All the other vessels set forth in the bill are replacement ships.

The large seaplane tender authorized for in this bill is designed to serve as a floating base for two squadrons, 24 large patrol seaplanes, sometimes called flying boats or bombers. Seaplane tenders permit the flying boats, patrol

planes, or bombers to accompany the fleet wherever it may go. The tender does not carry the planes. They fly from one position to the other. They are amphibians and light on water. The tender is so constructed that they can hoist the planes on its deck for repairs and can pick up damaged planes. It provides barracks for the crews of the planes and provides the facilities for the personnel that any large ship has. It also carries gasoline, bombs, stores, spare parts for the planes and can make all necessary repairs short of a complete rebuilding.

There are now in the Navy in commission two large seaplane tenders, the *Wright* and *Langley*. The *Langley* was launched in 1912 and was designed as a collier and converted in 1922. The *Wright* was a merchant vessel and converted in 1920. In addition to these two, there are nine small seaplane tenders, all of which are converted ships.

The number of flying boats—patrol planes or bombers—commensurate with a treaty navy is 330, of which 264 are operating planes and 66 are spares. It is estimated that the *Langley*, *Wright*, and the seaplane tender authorized in this bill will accommodate 72 flying boats, or 24 per seaplane tender; that the 9 small seaplane tenders will accommodate 108; that 84 seaplanes will be based on shore and 66 will be spares. The design of the vessel calls for a speed of 18 knots per hour and a rough estimate of the cost is \$12,260,000. The complement will be 24 officers and 467 men.

DESTROYER TENDERS

Destroyers are comparatively small vessels with a large amount of their interior space devoted to boilers and engines. They carry armor of guns and torpedoes which require a comparatively large crew, consequently there is not much room on such small vessels for all the facilities they must have to maintain them for long periods of time. The storerooms are limited. They have no facilities for making extensive repairs and lack many necessary facilities for the personnel. The destroyer tender supplies these shortcomings for the destroyers she serves. The destroyer tender accompanies the fleet to serve the destroyers attached to it. Tenders at one time were called mother ships. It was an appropriate name for them. In the Navy today there are eight destroyer tenders; six are in commission and two out of commission. The tonnage in the destroyer category in our combatant ships is now 190,000 tons. This allows for about 124 under-age destroyers. It is considered that the proper ratio of the new modern destroyer to a destroyer tender is 18 destroyers to 1 tender. In other words, 18 destroyers will be based on the mother ship, the destroyer tender. A rough estimate as to the cost is approximately \$11,513,220 and the complement is 31 officers and 573 men.

MINE SWEEPERS

Mine sweepers, as the name implies, are used to sweep areas and channels, through which the fleet must pass. They should be as small as possible in order to be handy; should have light draft to lessen the chances of their hulls striking a mine. The Navy has 28 mine sweepers; 21 in commission and 7 out of commission. The mine sweeper proposed in this bill is a replacement.

In peacetime a mine sweeper is engaged in training personnel in the technique of mining and mine sweeping. A rough estimate of the cost is \$1,500,000. It will have a speed of 18 knots and a complement of 4 officers and 57 men.

SUBMARINE TENDERS

Submarine tenders are mother ships to submarines based on them. Submarines are even more dependent on tenders than destroyers because a submarine designed to operate both on the surface and beneath the surface has the interior so cramped with machinery that space is not available for the accommodation of personnel or spare parts, provisions, ammunition, and similar essential items. Submarines are dependent on the tender for the general overhaul of machinery, torpedoes, construction work, and for assistance in upkeep. All the shortcomings of the submarine must be provided for in the tender. The tender carries the physician, the supply officer, and other personnel for whom there is

no room on the submarine. The tonnage in the submarine category is now 68,298 tons. This allows for 47 under-age submarines. The correct ratio of submarines to tenders is 12 to 1. It is estimated that the cost of the submarine tender will be in the neighborhood of \$12,600,000. It will have a complement of 31 officers and 624 men.

FLEET TUGS

Fleet tugs are used to tow targets for target practice and to assist the fleet in berthing vessels and to assist the large vessels to maneuver in restricted places.

In time of war they would be used to tow damaged vessels and to assist in salvage work. In times of peace they are used for every kind of tow service in the naval districts and outlying naval stations, as well as with the fleet. The Navy has at present 28 vessels classed as ocean-going tugs; 20 are in commission and 8 out of commission, the latter being in poor condition. A rough estimate of the cost is \$1,760,000. It will have a complement of 4 officers and 47 men.

OILERS

The primary service of oilers is to transport oil and fuel for the fleet. A Navy oiler carries not only fuel oil for the boilers but also Diesel oil for submarines, lubricating oil for machinery, and gasoline for airplanes. A Navy oiler must be fitted with the necessary gear for refueling vessels at sea. A merchant oiler does not have such gear for refueling at sea, and as a rule do not have pumps of the required capacity. There are at present 17 oilers on the Navy list. Seven are in commission; 10 are out of commission. The rough estimate of the cost for the oiler is \$8,496,800. It will carry a complement of 13 officers and 178 men.

Let me repeat that every vessel provided for in this bill, except the seaplane tender, is a replacement vessel. It is estimated that it will require about 3½ years to finish this program, and when the submarine tender, seaplane tender, the oiler, the tug, and the mine sweeper have been built they will take the place of some old and obsolete auxiliary vessel of that type.

The following is a statement in connection with estimates and bids on battleships nos. 55 and 56:

Bids were received from three private shipyards and estimates from two navy yards. The private yards were required to submit bids on a fixed-price basis and also on an adjusted-price basis. The navy yards were required to submit estimates of the estimated amount of expenditure from the appropriation "Replacement of naval vessels", and, in addition, to estimate the additional expenditures known in the navy yards as "statistical overhead" that would be occasioned by the construction of the vessels. The private shipyards, as well as the navy yards, were required to submit details of their bids and estimates on a standard form that had been prepared by the Navy Department, which was designed to admit of ready comparison of bid and estimate. The navy yard estimates were based on present-day conditions as regards both labor and material. No allowance was made in the navy yard estimates for any possible future increases in either labor or material. Presumably this was the case also in connection with the private shipyard bids, as the adjusted-price feature was intended to protect the private builder from labor and material increases during the life of the contract. A comparison of the adjusted-price bid and the navy yard estimate of total navy yard cost is shown in the following table:

	Hull	Machinery	Total
Bethlehem.....	\$34,550,000	\$15,320,000	\$49,870,000
New York Ship.....	32,939,163	14,890,831	47,829,994
Newport News.....	31,829,950	14,382,550	46,212,500
New York Yard.....	23,893,298	13,372,545	37,265,843
Philadelphia.....	23,514,600	13,045,700	36,560,300

The bid of the Newport News Shipbuilding & Dry Dock Co. was low, but was irregular and was therefore thrown out by the Navy Department.

The difference between the lowest navy yard estimate—that from Philadelphia, and the lowest private shipyard bid—that from New York Shipbuilding Corporation, is \$11,269,694. Part of the difference between the bid and estimate is due to the inclusion in the bid of \$4,348,181 for margin and profit. There was no corresponding figure in the navy yard estimate. A further, and by no means small, part of the difference between the private shipyard bids and the navy-yard estimates was due to the lower operating overhead as estimated by the navy yards in comparison with similar operating overhead from the private shipbuilding

yards; for example, the percentage of operating overhead to direct labor is as follows:

Newport News Shipbuilding & Dry Dock Co.....	94.5
New York Shipbuilding Corporation.....	72.2
Bethlehem Shipbuilding Corporation.....	138.2
New York Navy Yard.....	52.4
Philadelphia Navy Yard.....	52.7

¹ There is evidently something wrong as regards the percentage of operating overhead by the Bethlehem Shipbuilding Corporation, as, roughly speaking, their operating overhead should be approximately the same as for the other private shipyards.

In connection with this question of operating overhead, the Navy boards on changes have been allowing 80 percent as the overhead percentage in connection with changes of cost adjudications at Newport News. Just why this company should use 94.5 for operating overhead is not clear. The operating overhead for the navy yards includes not only the overhead directly chargeable to the building appropriation "Replacement of navy vessels" but also the "Statistical overhead" referred to above. Depreciation has not been included in any of the above percentages.

The difference between private shipyard bids and navy yard estimates is, in general, due to the following:

(a) The necessary inclusion in the private shipyard bid of allowances for taxes, insurance, and other similar items which are not incurred in navy yards and were not allowed for in the navy yard estimates.

(b) The inclusion of amounts in the private shipyard bids for margin and profit. Such allowances were not made in the navy-yard estimates.

(c) Higher operating overhead in the case of the private shipyard bid than for the navy-yard estimates.

6. In addition to the above known reasons, it is the belief of the Navy Department that the private shipbuilders were much concerned over the amount of money involved in the construction of a battleship and the length of time that the contract would run, and being uncertain as to what would happen in the industrial world in the next 4 years or so, and being unwilling to rely entirely upon the adjusted-price features of the proposed contract, made much more liberal estimates for labor and material than was the case in the navy-yard estimates. As pointed out above, the difference between the New York Shipbuilding Co.'s bid and the lowest navy-yard estimate was \$11,300,000 in round numbers. Of this sum, \$2,038,291 is due to (a) above; \$4,348,181 is due to (b) above; \$2,758,504 is due to (c) above; and \$2,155,024 probably due to industrial uncertainty.

Mr. MILLARD. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, this bill comes here with the unanimous report of the members of the committee on both the majority and the minority sides. I am the ranking minority member of the committee. I was very much interested in listening to the lame-duck discussion. I was also vitally interested in regard to the time of adjournment, as we all are.

Mr. Chairman, the object and purpose of the bill now before the House is the authorization to proceed with the construction of six auxiliary vessels for the Navy.

In 1934 the Congress enacted the Vinson-Trammell Act, which authorized the construction of the combatant categories of vessels that were limited by the treaties signed at Washington on February 6, 1922, and at London, April 22, 1930. As authorized by this act of 1934, modern fighting ships, to the limits set by these treaties, are being constructed so that within a few years the Navy will have a fleet composed of the last word in combatant types. However, in order that this fleet of magnificent ships of war may be effective, they must be adequately serviced by a fleet of auxiliary vessels.

The auxiliary vessels which serve the fleet include such as repair ships, stores ships, munition ships, hospital ships, oilers, tenders, tugs, and mine sweepers. Many of the vessels of these types have been improvised by the conversion of vessels not originally designed for the purpose for which now used. They are inadequate in numbers and in characteristics, being too slow and with insufficient radius of action to enable them to accompany the fleet even in its peacetime cruising. In the event of actual hostilities these less spectacular but equally essential craft will have to be augmented by the conversion of merchant-marine vessels. However, the nucleus of these types of vessels should be composed of modern auxiliary vessels not only capable of operating with the fleet but also trained through daily service with it. To be effective in war the fighting fleet must be mobile and so self-supporting that it can operate and maintain itself wherever necessary, even at a long distance from our

coasts. The mission of auxiliary vessels is, therefore, to make effective, through the function of service and supply, the fighting vessels of the fleet.

The numbers of auxiliary vessels that would be needed in time of war would be far in excess of what is needed in time of peace. However, it is the policy to operate in time of peace only the minimum number of auxiliary vessels sufficient to fulfill the peacetime requirements of maintaining and operating the fleet kept in condition in time of peace.

It is of the greatest importance that these auxiliaries, which must be of special design and of high mobility, be provided in advance of their need in war in order that the fleet may operate at the high efficiency for which designed and without which it may fall short of its vital purpose. The bill now before you provides for some of the modern auxiliaries needed for this proper maintenance and service to the combatant fleet. It will be necessary to come before you from year to year to get authorizations for the additional modern auxiliary vessels required for peacetime service to the fleet. All but one of the vessels—the airplane tender—called for in this bill are replacements for vessels of similar types.

In conclusion, I wish to stress that nearly all of the present auxiliary vessels of the Navy are old, are lacking in speed, and are nearing the end of their useful life. The Navy now has only seven such vessels that may be considered as modern fleet auxiliaries, and the newest of these seven—a submarine tender—was added to the Navy in 1926, 11 years ago. Many of these auxiliary vessels in service are converted vessels, not originally designed for the purpose for which they are now used. Some of those in commission; that is, in active service, date back to 1898, 1907, and all the small auxiliary vessels, tugs, and mine sweepers, were built before or during the World War. All these converted vessels and old vessels are defective in speed and radius of action to accompany the fleet in cruising and in fleet operations. If the auxiliary ships that accompany the fleet are slow, all the combatant ships of the fleet have to accommodate their speed to that of the slow auxiliaries and by so doing would, in time of war, expose themselves to submarine attack. The experience of the World War demonstrated that the higher the speed of a ship, the less her chances of being torpedoed by a submarine. If the speed of a ship is not more than 10 knots, which is the top speed of many of the old auxiliaries, such a ship is an easy prey to submarines.

The passage of this bill is necessary, in my opinion, in the interest of adequate national defense, and I, therefore, urge your support of it. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I have no more requests on this side for time.

Mr. MILLARD. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. WOLVERTON] such time as he may desire.

Mr. WOLVERTON. Mr. Chairman, the bill now before the House is necessary from two standpoints, namely, to provide adequate facilities to maintain the full usefulness of the fleet, and (2) to provide work for our shipbuilding industry.

As to the first of these two reasons for the passage of this bill, it is unnecessary to make any extended argument. The fact is well established that the proper operation of our naval forces requires the type of auxiliary craft provided for in the bill. Without them the efficiency of the fleet is handicapped and its effectiveness greatly curtailed. Each one has a distinct and important service to fulfill.

The seaplane tender serves as a base for seaplanes of the bomber and scouting type. As an auxiliary it permits them to operate far removed from a shore base or air station. It provides all the facilities that are necessary for such types of seaplanes. It carries gasoline, oil, bombs, stores, spare parts for the planes, and is also equipped to make necessary repairs to keep the planes in operating condition.

The destroyer tender has been rightly termed a "mother ship" to destroyers, to which it acts as an auxiliary. Destroyers are of small tonnage; most of their available space is taken up with boilers and engines. Carrying as they do

a large armament of guns and torpedoes they require a large crew to man and operate them. It can be readily seen that because of this condition it is impossible for them to have within them the facilities that are necessary to make repairs or storage room for any considerable amount of supplies.

The mine sweeper, as its name indicates, is utilized to clear channels or harbors of mines, preceding the entrance of the fleet.

The submarine tender is an absolute necessity for the efficient operation of submarines. The same reasons that exist for destroyer tenders apply with increased force to submarine tenders. The space within a submarine is even more greatly restricted than in the destroyer. Practically no space is available for any other than the immediate essentials. The interior is so filled with operating machinery that their usefulness for any considerable time, away from a base, would be an impossibility. Consequently the tender makes up for all that is lacking in the submarine itself by providing necessary storage and repair facilities that are precluded in submarine construction.

The oiler is nothing more or less than a supply ship that carries every type of oil used in operation of the fleet. It makes possible refueling of the ships at distant points.

The fleet tug is a utility vessel designed to help the larger vessels of the fleet in docking or making other maneuvers in harbors or other restricted areas where they are unable to be readily manipulated owing to their great size.

Thus it will be seen that each of the auxiliary craft provided for in this bill has a distinct and important service to render if the highest degree of usefulness for the fleet is to be attained.

Now, as to the second reason for the passage of this bill—namely, work for our shipbuilding industry.

No one who is familiar with the construction of a ship will fail to see the importance of maintaining our shipyards in time of peace as well as in time of war. Shipbuilding requires experienced craftsmen. There is no industry that requires so many and diversified skilled trades as the shipbuilding industry. These craftsmen cannot be made overnight when an emergency is upon us. Their training extends over a period of years. If the requisite personnel is not in existence when the need arises, it is too late, and we suffer the consequences. Our experience during the World War has taught us the necessity of having at all times a trained shipbuilding force in our Nation prepared at a moment's notice to respond. I cannot emphasize too strongly the disastrous results that will follow if we do not always have ready these trained shipbuilders.

I am seeking to impress the importance of this matter upon the membership of the House for the reason that we are in danger at this very time of losing this important arm of our national defense. We are in danger of losing it because of lack of work to keep our shipyards busy. During the years of the depression there has been very little ship construction work. At the present time it has reached the lowest ebb of any time during the entire depression.

I live in what was once the greatest shipbuilding area in the entire country. But, I regret to say, that it has dwindled and dwindled away until it is now but a mere memory of the past. One of our great shipbuilding companies that had existed for over 100 years closed up entirely a few years ago, and the New York Shipbuilding Co., located at Camden, N. J., that was once a beehive of activity is approaching perilously near the point where there will be no work to keep its gates open. It is indeed a tragic sight to see this once great shipbuilding plant with ship ways and facilities to construct 22 ships at one time with no work in sight when the ship now under construction is completed. And this, in a general way, is a picture of the shipbuilding industry throughout the Nation. It is gasping for life at this very time.

What happens when a shipyard closes its gates for lack of work? Distress is immediately experienced by the workers through loss of employment. And their distress is immediately felt by the businessmen of the community and by the municipalities in which they live because of their

inability to pay taxes. Distress is experienced all along the line in every avenue of activity. But, furthermore, it is serious from the standpoint of the Nation, because when work ceases in their chosen trade the workers soon begin to drift elsewhere seeking other employment, and the fine personnel that has been built up over a period of years is destroyed and lost to the shipbuilding industry, never to be recovered except at a frightful cost and many years of effort.

No one who thinks in terms of national welfare in time of war emergency can fail to recognize the folly of permitting this highly trained force of men to be dispersed and lost as an arm of defense.

Certainly the men who have given themselves in the service of a great industry are entitled to help from their Government by providing the necessary work to tide them over until more prosperous days.

And the individuals who have made the necessary capital outlay to construct the plant that provides work for thousands of workers in an industry so vital to our national welfare and security are entitled to some consideration and assistance in times such as these. They do not ask Government grants or financial aid, but merely work—necessary work—to keep their plants in operation.

And may I also remind the membership of this House that the benefits from ship construction are not merely local in character. The benefits spread throughout the length and breadth of this Nation. Every State makes some contribution in the form of its products to the construction of a ship. It would be interesting, indeed, if my time permitted, for me to take the different States of the Union and show the product or products of each particular State that enter into the building of a ship. It would be astounding and surprising to many who have never realized that the construction of ships provide benefits Nation-wide in scope.

I ask that serious consideration be given to these vital reasons showing why the Federal Government at this time should provide work for the shipbuilding industry, and that for these reasons you give your approval to the pending bill. The passage of this bill will provide but a small part of what is necessary. I am hopeful, however, that the importance of adopting a policy of providing work to keep the shipbuilding industry alive will find expression not only by the authorization for the construction of the six ships provided for in this bill but also in an increased and greatly expanded program for the construction of a merchant marine that will be in accord with the dignity and the necessity of a nation such as our own.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of furnishing or replacing auxiliary vessels urgently necessary for the proper maintenance and operation of the Navy, the President of the United States is hereby authorized to undertake the construction of about 36,050 tons (light displacement tonnage) of such auxiliary vessels, as follows:

- (a) One seaplane tender of about 8,300 tons;
- (b) One destroyer tender of about 9,000 tons;
- (c) One mine sweeper of about 600 tons;
- (d) One submarine tender of about 9,000 tons;
- (e) One fleet tug of about 1,150 tons; and
- (f) One oiler of about 8,000 tons.

With the following committee amendment:

Page 1, line 8, after the word "follows", insert "at a total cost for all vessels of not more than \$50,000,000."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, after line 6, insert the following:

"Sec. 2. Not less than 50 percent of the vessels herein authorized, allocated on an approximate tonnage basis, including such portions thereof as are customarily manufactured in Government plants, shall be constructed or manufactured in Government navy yards, naval stations, naval gun factories, naval ordnance plants, or arsenals of the United States: *Provided*, That the President may, however, should the public interests in his judgment so require, have the vessels built in Government or private yards notwithstanding the allocation otherwise imposed: *Provided further*,

That the provisions of section 3 of the act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934 (48 Stat. 505; U. S. C., title 34, sec. 496), as amended, are hereby made applicable to contracts for the construction of the vessels or any portion thereof herein authorized.

"Sec. 3. Any bid for the construction on the Pacific coast of any of the vessels authorized by this act shall have a differential of 6 percent in its favor which shall be considered by the Secretary of the Navy in awarding contracts for the construction of said vessels."

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises. Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LAMNECK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (S. 2193) to authorize the construction of certain auxiliary vessels for the Navy, pursuant to House Resolution 257, he reported the bill back to the House with sundry amendments agreed to in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded upon any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill (S. 2193) to authorize the construction of certain auxiliary vessels for the Navy, which has just been passed.

The SPEAKER. Is there objection?

There was no objection.

NAVAL MEDICAL CENTER IN DISTRICT OF COLUMBIA

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 256.

The Clerk read as follows:

House Resolution 256

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6547, a bill to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority members of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, I have no requests for time on this side, and, so far as I am concerned, the resolution may be adopted by unanimous consent.

Mr. O'CONNOR of New York. Mr. Speaker, this is a rule for the consideration of the bill (H. R. 6547) to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes. I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. VINSON of Georgia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6547) to authorize the Secretary of the Navy to proceed with the construction of certain public works in or

in the vicinity of the District of Columbia, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6547, with Mr. McREYNOLDS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. DREWRY].

Mr. DREWRY of Virginia. Mr. Chairman, the issues presented by this bill are few; in fact, as I see it, there are only two. First, the necessity for the establishment of a new naval hospital in Washington, or nearby, and, secondly, the cost.

So far as this particular matter is concerned, it would be well to call your attention to the fact that in 1931 Mr. Britten, who was then the chairman of the Committee on Naval Affairs, realizing the need of a new hospital, on his own motion proposed a measure which passed the Congress, providing \$3,200,000 to build a new hospital in Washington. Unfortunately, he provided in his bill that the hospital should be built on the present site. When an investigation was made it was ascertained that the acreage was not sufficient to take care of a modern hospital with all the facilities that would be required. Consequently, nothing was done toward carrying out the authorization that was made at that time.

Therefore this measure has been brought in, and all that this bill does is to add to what has already been done by Congress a further appropriation of \$1,500,000 in order that a proper hospital may be built.

The bill also provides that if the Secretary of the Navy should decide that the present site is not the proper place upon which the hospital should be constructed, he is at liberty to proceed to examine other sites and select one that will be more appropriate.

Mr. Chairman, so far as I can see, there is no need to discuss this matter at any great length. Everyone who has been over there admits there is a great, immediate necessity for a new hospital. There are only 178 beds in the hospital at this time, and they need equipment and facilities for 600. They have a prospective hospital population of around 10,000 in the vicinity that would go to this hospital for hospitalization. They come from as far as Quantico, Indianhead, and the navy yard here. There is every reason why a new hospital should be constructed.

The Committee on Naval Affairs appointed a subcommittee to make a personal examination and investigation of the present hospital. They reported unanimously that one is needed and should be erected in this vicinity. Individual members of the full committee have visited the hospital and made their own examinations. It has been reported on previously by another Congress, as I have stated, and it has the approval of the Budget and of the Navy Department.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. DREWRY of Virginia. I yield.

Mr. TERRY. How many beds is it intended to have in the hospital?

Mr. DREWRY of Virginia. Six hundred is the present proposal. This would take care of 300 during peacetime and double that number in an emergency.

Mr. TERRY. What is intended to be done with the present hospital?

Mr. DREWRY of Virginia. It depends upon whether the Secretary of the Navy decides to retain this site for the new hospital or whether he will select a site somewhere else. If the present site is retained, of course, it will be used as the location of the new hospital; but if he decides to locate the new hospital somewhere else, what will be done with the present hospital will be a subject for future decision. There are some departments of the Government perhaps that would like to have it.

Mr. TERRY. It is not the intention, if you go somewhere else, to continue to run the present hospital as a naval hospital?

Mr. DREWRY of Virginia. No.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. DREWRY of Virginia. I yield.

Mr. THOM. Is the cost of this structure to be borne out of the so-called naval fund to which the men in the Navy contribute?

Mr. DREWRY of Virginia. I do not think so, except to the extent of \$100,000.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DREWRY of Virginia. I yield.

Mr. VINSON of Georgia. I may state that this bill will require an appropriation of the full amount and the naval hospital fund will not be used for the purpose of constructing this hospital at all.

Mr. THOM. Was it not the intention that it was to be used for this purpose?

Mr. VINSON of Georgia. No; the intention of the act of 1931 was to use \$100,000 of the naval fund for architectural fees. This amount has been used up and they will use part of the architectural plans for the hospital on the new site in the event the Secretary puts it at a new place. If it is constructed at the present site, he already has his architectural drawings, plans, and specifications paid for out of the \$100,000 provided in the act of 1931.

Mr. THOM. Then what is this hospital fund used for?

Mr. VINSON of Georgia. The hospital fund is made up of a monthly contribution by the enlisted men and officers of the Navy and by fines and forfeitures, and, by permission of Congress, is used for the building of hospitals; but the gentleman must bear in mind that the individuals in the Navy should not be forced to pay for their buildings in which they are to be hospitalized. This is a duty of the Federal Government.

Mr. THOM. But what is that money used for?

Mr. VINSON of Georgia. It is in a fund to be used in cases of emergency.

Mr. THOM. What is the amount of that fund now?

Mr. VINSON of Georgia. I forget now, but it was about a million dollars or \$2,000,000 during the war. I do not know what it is now.

Mr. THOM. The understanding was when this matter was discussed previously before the Naval Appropriations Committee that a considerable amount for the construction of this building was to come out of the naval fund.

Mr. VINSON of Georgia. Not one penny of this proposed expenditure comes out of the Naval Hospital fund. This comes by direct appropriation from the Treasury of the United States.

Mr. MILLARD. Mr. Chairman and gentlemen of the Committee, this bill authorizes the Secretary of the Navy to proceed with the construction of certain public works in, or in the vicinity of, the District of Columbia. Specifically, it provides for the acquisition of land and the construction thereon of the buildings necessary for a modern hospital, a naval medical school, and a Navy medical center.

This question of providing new buildings for the Naval Hospital here at the seat of our Government is not a new one. The need for new buildings was recognized over 7 years ago, when the then chairman of the Committee on Naval Affairs, the Honorable Fred Britten, introduced a bill to provide for the remodeling and reconstruction of the Naval Hospital here in Washington at that time. The bill introduced by Britten originated in the Committee on Naval Affairs and was not instigated by the Navy Department, as is the case in the present measure. That bill was enacted into law in 1931 and authorized an expenditure of \$3,200,000. However, no remodeling or reconstruction was undertaken under the authority of the act of 1931. The need for the replacement of the Naval Hospital facilities which existed over 7 years ago still exists and is more urgent now than it was then. Many of the buildings in use were of temporary wartime

construction. These deteriorated rapidly and were such a fire hazard it became necessary to abandon them for use as hospital spaces so that the bed space has now been reduced to about 30 percent of what it was in 1930. In addition, the buildings of permanent construction also have deteriorated to such a degree that special safety precautions have to be taken to make them safe for use. These conditions, coupled with the fact that the buildings have become obsolete, make the present hospital wholly inadequate to properly fulfill its mission. The condition of the buildings makes it necessary to spend large sums for maintenance and upkeep. In the interest of economy, therefore, there is a real need to approve the provisions of the bill now under consideration. If the need for a new hospital existed in 1931, there can be no doubt of an even greater need existing now.

The act approved in 1931, restricted the replacement of hospital facilities to the present site and the space of the present site is restricted by the Parks and Planning Commission which leaves only about 8 acres available for construction. It is plainly evident, therefore, that such a small area is wholly inadequate for the buildings and recreational spaces necessary for a modern and model hospital, the proposed medical school, and medical center. Since the enactment of the 1931 law, indications point to the probability of the erection of a building to house the War Department to the eastward of the present location, and a Navy building to the westward of it. Such being the case it is plainly evident that construction of any new hospital facilities on the site now in use would be ill advised and highly undesirable. For all of the above reasons and many more that are just as important, it is imperative that the Navy be authorized to obtain a new site for the construction of the buildings necessary for a modern up-to-date hospital, medical school, and medical center, and one that will be desirable and suitable for many years to come and one sufficiently large to lend itself to expansion in the years to come.

The Committee on Naval Affairs has gone into this question thoroughly and has reached the conclusion there is no doubt of the need for the proposed new hospital. I, therefore, strongly urge you give the measure your support and pass this authorizing legislation.

This is a departmental measure and has the approval of the Budget Director.

Mr. THOMPSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MILLARD. Yes.

Mr. THOMPSON of Illinois. Can the gentleman tell me whether it is the intention to build a medical center for the Navy, comparable to that of the Army maintained as to what is known as Walter Reed Hospital? Is this to be an institution of one big building or of some small ones?

Mr. MILLARD. I do not think any of us know exactly yet where the site will be, whether inside or outside of the District of Columbia.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MILLARD. Yes.

Mr. VINSON of Georgia. This bill contemplates the construction of a modern up-to-date hospital, and in addition thereto it will have connected with the hospital a medical school and a dental school, and if one can classify that as a medical center, it could be so classified, but it will not be of the large scale of Walter Reed Hospital, because the population that will be hospitalized does not require such an enormous institution.

Mr. McCORMACK. Mr. Chairman, will the gentleman from Georgia yield for a question not related to this bill?

Mr. VINSON of Georgia. I yield.

Mr. McCORMACK. A bill came out of the gentleman's committee which provides, as I remember it, that a naval officer may be appointed as Director of the Bureau of Inspection in the Department of Commerce. Is that correct?

Mr. VINSON of Georgia. It has been limited to that one position at the request of the administration.

Mr. McCORMACK. Can the gentleman give any information as to when he expects to bring the bill up for consideration?

Mr. VINSON of Georgia. That being a House bill, and the likelihood of any new legislation not being considered at this session, in view of what is taking place at the other end of the Capitol, it will not be at an early date.

Mr. McCORMACK. But the gentleman is hopeful that it will be next session?

Mr. VINSON of Georgia. I am not making any statement any further than what I have said.

Mr. Chairman, I ask that the Clerk read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act approved February 25, 1931 (46 Stat. 1419), be, and the same is hereby, amended so as to read as follows:

"That the Secretary of the Navy is hereby authorized to construct in the District of Columbia, or in the immediate vicinity thereof, on land already acquired or hereby authorized to be acquired therefor by purchase, gift, or otherwise, buildings to replace the present Naval Hospital and Naval Medical School at Washington, D. C., with the utilities, accessories, and appurtenances pertaining thereto, including facilities for the Naval Medical Center and Naval Dental School."

With the following committee amendment:

Page 2, line 3, after the word "school", insert "Provided, That the advice of the National Capital Park and Planning Commission be requested before the acquisition of property for this purpose and before the construction herein authorized shall begin; if located in the District of Columbia, the construction herein authorized be subject to the approval of the National Park Service under authority of section 6 of the Public Buildings Act of May 25, 1926, as amended (U. S. C., title 40, sec. 346)."

The committee amendment was agreed to.

The Clerk read as follows:

Provided further, Total cost of the land and of the construction hereby authorized shall not exceed \$4,850,000.

With the following committee amendment:

Page 2, line 11, before the word "total", insert the words "That the", and in line 13, after the figures, insert "of which not more than 15 percent shall be expended for the purchase of the site."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. The Secretary of the Navy is hereby authorized to accept on behalf of the United States, free from encumbrances and without cost to the United States, the title in fee simple to any land which may be acquired by gift.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McREYNOLDS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 6547, and, pursuant to House Resolution 256, he reported the same back to the House with sundry amendments agreed to in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the amendments will be put en gross.

The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ATTENDANCE OF MARINE BAND AT G. A. R. REUNION

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to make a statement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, the purpose of making this statement is to inform the House that if recognized by the Chair I will ask unanimous consent to take up the bill H. R. 7641, a bill unanimously reported by the Committee on Naval Affairs, which permits the Marine Band to go to the city of Madison, Wis., and participate in the

encampment of the Grand Army of the Republic from September 5 to September 10, 1937, at a cost of \$7,500. The policy of the Budget and the policy of the Naval Affairs Committee is to permit the Marine Band to participate in the Confederate veterans' annual reunion and the Grand Army of the Republic reunion, and no other reunions. The band has already been authorized by the Congress to attend the Confederate veterans' reunion at New Orleans.

If the Chair will recognize me at this time, I ask unanimous consent, Mr. Speaker, for the immediate consideration of the bill (H. R. 7641) to authorize the attendance of the Marine Band at the national encampment of the Grand Army of the Republic to be held at Madison, Wis., September 5 to 10, inclusive, 1937.

The SPEAKER. The Chair will recognize the gentleman with the understanding that there is probably no opposition to the bill.

Mr. VINSON of Georgia. There is no opposition, as I understand, Mr. Speaker.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MILLARD. Mr. Speaker, reserving the right to object, this particular bill has the approval of the entire Committee on Naval Affairs. It is to send the Marine Band to the Grand Army of the Republic Encampment at Madison, Wis. I think we are generally against the policy of sending the band promiscuously throughout the country, as in the past, but we are in favor of this proposition.

I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the National Encampment of the Grand Army of the Republic to be held at Madison, Wis., from September 5 to 10, inclusive, 1937.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such encampment there is authorized to be appropriated the sum of \$7,500, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed \$5 per day each for actual living expenses while on the duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NONMILITARY ACTIVITIES, WAR DEPARTMENT—APPROPRIATION BILL, 1938

Mr. SNYDER of Pennsylvania. Mr. Speaker, I call up the conference report on the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. STEFAN. Reserving the right to object, Mr. Speaker, I wish every Member of the House would give a little attention, and I hope you have before you the conference report. First, I want to compliment the membership of this committee for making an earnest effort to reduce some of our expenditures. I know they have worked very, very hard, but I think every Member of this House realizes the time has come when we should save some money wherever it is possible.

Mr. Speaker, we cannot justify the lavish expenditures of our taxpayers' money in this appropriation for the High Commissioner in the Philippine Islands. Here is an appropriation of \$152,000 for this High Commissioner to run our business in the Philippine Islands, which we are leaving in 8 years.

In view of the fact that our President has announced that he wants a 10-percent cut in Government expenditures for

the purpose of aiding in the balancing of the Budget, I feel we should start helping him save the taxpayers' money wherever we can. Here is an item of expense which can be cut down. It was cut down somewhat by our own committee, and it is raised back by the Senate conferees.

Back in my district of Nebraska many farmers have been forced to leave their farms because they could not borrow a few dollars to buy feed and seed. Many of these farmers today are forced to cut their oats because they could not get enough money for poison to eradicate the grasshoppers which have attacked their fields.

Right here in Washington newspapers print stories of old people who are going hungry because they cannot get their old-age benefit money. Intimations are made in these papers that old men and women are on the verge of starvation.

Back in Nebraska we know where men and women who have families are forced to live on less than \$20 a month because of their financial circumstances, and they are forced on relief.

Yet here in this item you are taking the money these people pay in taxes for the purpose of giving a political appointee \$10,000 a year as an entertainment fund. Besides this you are giving him \$18,000 a year salary. Besides that you give him \$20,000 a year to rent his office and his living quarters. You also give him three chauffeurs and three fine automobiles. To you who have been spending billions, a \$10,000 item is small change, but to many people in my district it represents a fortune.

With the great amount of suffering right here at home we should hesitate in this wild expenditure of money. I especially object to the \$10,000 a year for entertainment for this High Commissioner. It is too much. It represents waste. Our Ambassador to London does not get that much money for the same purpose. It is my understanding that we pay him \$4,800 for entertainment purposes. Why, I ask you, should we give \$10,000 for entertainment to this Commissioner in a minor country? Our own committee admits it is too much. Our committee cut this item to \$7,800. Now the committee comes back and tells us the Senate conferees put the amount back to \$10,000. I earnestly request the committee to stand with me for a drastic cut in this item.

If you are going to insist on this lavish expenditure of money for a political appointee to use for entertainment purposes, I do not know how I am going to explain to the taxpayers in my district that this Congress is really spending their money efficiently. What am I going to tell farmers who want to borrow a few hundred dollars for feed and seed and who cannot even get that when they point to items like this where we take thousands of dollars of their money to be used by these appointees for the purposes of giving entertainments and banquets and cocktail parties? I for one will never vote for any such unnecessary spending, and I beg every one of you to realize that if we keep these things up our national debt, which is now near \$40,000,000,000, will never be paid.

I need not tell Members of this House again that the Government is spending \$8 for every four dollars and a half we take in. You are aware that our financial experts are worried over our present and future financial condition. After all of these months, during which we have been endeavoring to call your attention to the fact that the Treasury of the people is depleted, some notice is being given and some department heads are making a slight show at following suggestions to cut expenditures. These feeble attempts will bear no fruit unless this Congress takes a real stand right now. Do not forget our national debt, which is climbing so fast. Do not forget that you have gone into the red about \$2,000,000,000 during the last year. Let us set a principle here. Let us show by our actions on this bill that we mean to really eliminate useless expenditures and give the taxpayers a run for their money. Here is a \$10,000 item which represents useless and unnecessary expense. It makes no difference if there has been a precedent in the islands on huge appropriations for entertainments. I for one object to

spending the people's money in this fashion when it is needed so badly in my district, where the people are in need. I refuse, Mr. Speaker, to vote for any of this kind of lavish spending, and I will continue to stand here in this House of the people's representatives and vigorously object. I demand that this conference report be voted down and sent back to conference so that it may be brought back with a showing that all unnecessary expenditures be cut out. I know the needs of the people in the Third District of Nebraska. They sent me here to represent them. They are 1,700 miles away from this Nation's Capital. They cannot speak for themselves. I feel that what I have said represents the sentiment of most of the serious-minded people back home.

Mr. LUCKEY of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. STEFAN. I yield.

Mr. LUCKEY of Nebraska. Did we not have a building down there for governmental purposes? The gentleman spoke of our paying \$20,000 a year rent.

Mr. STEFAN. Yes; we had a building. We gave it to the Philippine people, but we were bad traders. They traded us a piece of ocean for it, and now we are building a wall around it and filling that in. In the meantime you are spending \$20,000 a year for rent. We are poor Yankee traders.

Mr. LUCKEY of Nebraska. I feel that we should cut some of these unnecessary expenditures.

Mr. POWERS. Mr. Speaker, will the gentleman yield?

Mr. STEFAN. I yield.

Mr. POWERS. I agree with what the gentleman says. I may tell the gentleman that in conference I voted against the \$10,000 entertainment fee for the High Commissioner of the Philippines. The gentleman mentioned that the High Commissioner's salary is exempt from income tax. Why is that so?

Mr. STEFAN. Because of a ruling of the Bureau of Internal Revenue. I think if the gentleman makes an investigation he will find that most of these salaries are exempt from income tax.

Mr. POWERS. I think it would be well for the gentleman to call the attention of the chairman of the Committee on Ways and Means to that fact, and when the new revenue bill is written to see that it requires an income tax to be paid by these officials.

Mr. STEFAN. I shall be very glad to do that. And at the same time I wish to thank the distinguished and able gentleman from New Jersey for his continued efforts to eliminate many of these useless expenditures. The gentleman is the ranking member of the minority on this committee and has given many hours of his valuable time in working over these tremendous questions which face his very important committee. The gentleman is one of the most able statesmen in the House. He is continually working for the interests of the taxpayers of our Nation.

Mr. McCORMACK. Mr. Speaker, reserving the right to object, without entering into any controversy with the distinguished gentleman from Nebraska, I think it is only fair to say that the Governor General of the Philippines has been greatly misrepresented lately in the press in relation to a controversy that occurred over there with reference to precedence on state occasions.

Mr. STEFAN. If the gentleman will yield, he is not the Governor General; he is the High Commissioner.

Mr. McCORMACK. The High Commissioner. He represents the United States Government in his present capacity just as his predecessors have represented it. I do not think the gentleman intends to have his remarks apply to the present High Commissioner alone.

Mr. STEFAN. I am referring to the amount of money, not to the individual.

Mr. McCORMACK. Exemption from the payment of income tax has applied to his predecessors. Former Governor McNutt is not the only one who is receiving personal tax exemption.

I am not going to pass on whether \$7,800 is too little or \$10,000 too much for entertainment purposes, but the fact

remains that representatives of the United States Government should be given some appropriation to carry on the entertainment which their position calls for; and my only purpose in rising was to ascertain from the gentleman whether or not his remarks applied to Former Governor McNutt or to the appropriation of money for entertainment purposes to any man who might occupy the position.

Mr. STEFAN. Mr. Speaker, will the gentleman yield to permit me to answer?

Mr. McCORMACK. Certainly.

Mr. STEFAN. I may say to my distinguished colleague from Massachusetts that my remarks are not directed to any individual. I do not care whether Commissioner McNutt wants to be toasted first or last; it makes no difference to me. That is not what I am referring to. I am referring to the fact that for the same purposes we allow the Ambassador in London only \$4,800. Why should we spend \$10,000 on entertainment in the Philippine Islands?

I am not directing my remarks to any one individual. I am directing them against the appropriation for this purpose, especially when people here are hungry; do not spend this money lavishly for entertainment purposes.

Mr. McCORMACK. I fear the gentleman has misinterpreted what I said. My purpose was to find out whether his remarks were applicable to the present High Commissioner or to the position as such without regard to who occupied it, and, so far as I am concerned, the gentleman has answered my question. Personally I think some kind of appropriation should be made. Whether it should be \$10,000 or \$7,800 I shall not enter into any controversy about, but, so far as I am concerned, the gentleman has satisfied me that the purpose of his remarks was not, directly or indirectly, to attack the present High Commissioner, but was to attack appropriations for this purpose without regard to who might occupy the position.

Mr. STEFAN. My distinguished friend is absolutely right. The people of the United States have a message from the President of the United States that he wants expenditures cut down and the Budget balanced. We have just heard from him that he wants 10 percent cut in all departments. How can you justify spending \$10,000 of the taxpayers' money for drinking parties in the Philippine Islands when people in the United States are hungry? How can you justify that? I cannot.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. LUCAS. Can the gentleman from Massachusetts tell the Members how long this appropriation of \$10,000 for entertainment purposes in the Philippine Islands has been carried?

Mr. McCORMACK. What is the purpose of the gentleman's inquiry?

Mr. LUCAS. I want to find out whether it is not the custom to appropriate \$10,000—and has been for many, many years—in order to take any odium away from the present administration.

Mr. McCORMACK. I cannot answer that question. If the gentleman can, I suggest that he do so. The chairman of the subcommittee tells me that it is a regular appropriation.

Mr. Speaker, my purpose in rising was to find out from the distinguished gentleman who opened this discussion whether or not his remarks were directed against former Governor McNutt or against the appropriation of money for the office.

Mr. LUCAS. Obviously it should not be directed against Mr. McNutt or any other individual if the appropriation has been the same over a long period of time.

Mr. McCORMACK. Exactly, but the gentleman himself has frankly admitted that he did not have former Governor McNutt in mind.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that the statement be read in lieu of the report?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 13, 14, 16, and 17, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$148,200"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$10,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$9,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Omit the matter stricken out by said amendment and on page 8 of the bill, in line 19, after the word "States" omit the comma and insert the word "and"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Omit the matter stricken out by said amendment and on page 9 of the bill, in line 10, after the word "States" omit the comma and insert the word "and"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 7, 12, and 15.

J. BUELL SNYDER,
D. D. TERRY,
JOE STARNES,
ROSS A. COLLINS,
CLARENCE CANNON,
D. LANE POWERS,
ALBERT J. ENGEL,

Managers on the part of the House.

ROYAL S. COPELAND,
ELMER THOMAS,
JOHN H. OVERTON,
W. G. MCADOO,
MORRIS SHEPPARD,
WARREN R. AUSTIN,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendments nos. 2, 3, 4, and 5, relating to the United States high commissioner to the Philippine Islands: Makes available as a maintenance allowance of the high commissioner \$10,000, as proposed by the Senate, instead of \$7,800, as proposed by the House; limits the salary of the legal adviser to \$10,000, instead of \$8,000 as proposed by the House and \$12,000 as proposed by the Senate; limits the salary of the financial expert to \$9,000, instead of \$7,500 as proposed by the House and \$10,000 as proposed by the Senate; makes available for the pay of the assistant legal adviser and assistant financial financial expert \$7,500 each, as proposed by the Senate, instead of \$6,500 each, as proposed by the House, and makes available for rent \$18,600, as proposed by the House, instead of \$20,000, as proposed by the Senate, the net result being an appropriation in toto of \$148,200, instead of \$140,500, as proposed by the House, and \$152,600, as proposed by the Senate.

On amendment no. 6: Restores to the appropriation for rivers and harbors the provision proposed by the House for the protection of the town of Collinsville, Ala.

On amendments nos. 8, 9, and 10, relating to flood control under the Copeland Act: Strikes out, because of action which will be proposed as to amendment no. 7, the contractual authority proposed by the Senate, and also the proposal of the Senate that the increased direct appropriation proposed in amendment no. 7 should be available in such an amount only as allotments of W. P. A. funds might fall short of such additional appropriation; and removes from the paragraph providing for the acceptance and employment of contributed funds, on account of authorized flood control work, authority to accept con-

tributions from other than States and political subdivisions thereof, as proposed by the Senate.

On amendment no. 11: Strikes out the provision inserted by the Senate in the appropriation for flood control, Mississippi River and tributaries, with respect to protection of cities and towns on the lower Mississippi River, the particular projects in view not having been authorized by law.

On amendment no. 13: Appropriates an additional \$200,000 (\$300,000 in all) as an emergency fund for flood control on tributaries of the Mississippi River, in consequence of a supplemental estimate of appropriation, as proposed by the Senate.

On amendment no. 14: Strikes out, as proposed by the Senate, specific provision in the appropriation for the support of the United States Soldiers' Home with respect to motor-propelled vehicles.

On amendment no. 16: Adds a new section making the appropriations in and provisions of the bill available and effective from and including July 1, 1937, as proposed by the Senate.

On amendment no. 17: Changes a section number, as proposed by the Senate.

Amendments reported in disagreement

The committee of conference report in disagreement the following amendments of the Senate:

Amendment no. 1: Providing for the care and maintenance of Congressional Cemetery, District of Columbia.

Amendment no. 7: Increasing the appropriation for flood control under the Copeland Act.

Amendment no. 12: Relating to the appropriation for flood control, Mississippi River and tributaries, including a proposed increase therein.

Amendment no. 15: Relating to the compensation of retired officers of the Regular Army on duty at the United States Soldiers' Home.

J. BUELL SNYDER,
D. D. TERRY,
JOE STARNES,
ROSS A. COLLINS,
CLARENCE CANNON,
D. LANE POWERS,
ALBERT J. ENGEL,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment no. 1: Page 2, after line 7, insert "and the graves and grounds in the Congressional Cemetery."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following: "and that portion of Congressional Cemetery to which the United States has title and the graves of those buried therein, including the burial site of Pushmataha, a Choctaw Indian chief."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 7: Page 3, line 4, strike out "\$30,000,000" and insert "\$60,000,000."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following: "\$30,000,000, and, in addition, \$30,000,000 of the appropriation of \$1,500,000,000 contained in the Emergency Relief Appropriation Act of 1937 shall be available exclusively for carrying out the provisions of such Flood Control Act, approved June 22, 1936, and shall be expended under the direction of the Chief of Engineers under the provisions established in and in pursuance of such Emergency Relief Appropriation Act of 1937 not inconsistent herewith: *Provided*, That the requirement in section 1 of such Emergency Relief Appropriation Act of 1937 that no Federal construction project shall be undertaken unless and until there have been allocated and irrevocably set aside sufficient funds for its completion shall not apply to flood-control projects authorized by such Flood Control Act, approved June 22, 1936."

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the distinguished gentleman from New York.

Mr. TABER. This means yielding to the Senate in the full amount. We simply reappropriate from the so-called relief bill enough money to make up the difference between what the House allowed and what the Senate asked for?

Mr. SNYDER of Pennsylvania. Yes. That was so as to keep the bill within the Budget estimates.

Mr. TABER. In order to not go beyond what has already been provided for?

Mr. SNYDER of Pennsylvania. That is right.

Mr. TABER. In funds?

Mr. SNYDER of Pennsylvania. Yes.

Mr. TABER. It means giving the Senate everything they asked for in dollars?

Mr. SNYDER of Pennsylvania. Yes; in dollars for flood control; but no more than we have been given to understand would be spent, even if the Senate had accepted our bill.

Mr. TABER. But it keeps within the Budget?

Mr. SNYDER of Pennsylvania. Yes.

Mr. TABER. Does the gentleman feel we ought to appropriate as much money as this?

Mr. SNYDER of Pennsylvania. I may say to the gentleman from New York that the Army engineers have told us right along, with reference to the Copeland Act, that they have sufficient projects in readiness to proceed with which would permit them to utilize \$60,000,000 during 1938. Basing our judgment on that, the conferees of the Senate and House arrived at this most amicable conclusion.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SNYDER].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 12: Page 10, line 16, strike out "\$22,500,000" and insert the following: "\$45,000,000: *Provided*, That the Chief of Engineers, when authorized by the Secretary of War, may enter into construction contracts prior to July 1, 1938, to an amount not in excess of \$10,000,000, in addition to the sum herein appropriated, and his action in so doing shall be deemed a contractual obligation of the Federal Government payable after the next regular annual appropriation becomes available: *Provided further*, That if any funds are made available for the above purposes from the Emergency Relief Appropriation Act of 1937, the appropriation herein made shall be reduced by an amount equal to the sum so made available, but this proviso shall not operate to reduce this appropriation below \$22,500,000."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following: "\$22,500,000, and, in addition, \$22,500,000 of the appropriation of \$1,500,000,000 contained in the Emergency Relief Appropriation Act of 1937 shall be available exclusively for carrying out the provisions of such Flood Control Act, approved May 15, 1928, as amended by such Flood Control Act, approved June 15, 1936, and of such additional amount, \$7,500,000 shall be in augmentation of the foregoing appropriation of \$22,500,000, and the remainder shall be expended under the direction of the Chief of Engineers subject to the provisions established in and in pursuance of such Emergency Relief Appropriation Act of 1937 not inconsistent herewith: *Provided*, That the requirement in section 1 of such Emergency Relief Appropriation Act of 1937 that no Federal construction project shall be undertaken unless and until there have been allocated and irrevocably set aside sufficient funds for its completion shall not apply to flood-control projects authorized by such Flood Control Act, approved June 22, 1936."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 15: Page 12, line 16, after the word "date", insert a colon and the following proviso: "*Provided further*, That not to exceed five retired officers of the Regular Army may be assigned to active duty at the United States Soldiers' Home, and such officers while so assigned shall be entitled, notwithstanding any other provisions of law, to the pay and allowances of officers of the same rank and length of service on the active list of the Army."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment, and I desire to make a statement.

Is the gentleman from Georgia [Mr. TARVER] present?

Mr. TARVER. I am here.

Mr. SNYDER of Pennsylvania. Possibly, if it were not for the gentleman from Georgia [Mr. TARVER], it would not be necessary for me to make a statement.

Mr. Speaker, this proposition was submitted in the Budget and was considered by the War Department subcommittee, which favorably reported it to the full committee. The full committee voted it out of the bill. This is the first time, therefore, that the House has been called upon to pass upon the matter.

Most of you are familiar with the local Soldiers' Home. There is a population out there of about 1,400 former soldiers. The capital investment is about \$6,000,000. Responsibility for the care, maintenance, and operation of this establishment and for the care, health, and contentment of these ex-service men devolves directly upon five retired officers of the Regular Army, chosen for the work because of demonstrated suitability.

The law provides for the detail either of active or retired officers of the Regular Army to conduct the affairs of the home. It has been the practice to utilize retired officers for the last 80 years or more. Judging by many of the Regular Army establishments with which we are familiar which are commanded by active officers, these retired officers at the Soldiers' Home have an equal and in many cases a far greater responsibility.

The proposition before us is just this: Prior to the Economy Act, approved June 30, 1932, retired officers on duty at the home were paid at the rate of \$1,500 per annum out of the Soldiers' Home permanent fund in addition to their retired pay. All reductions applicable to regular personnel in consequence of such law have been restored, and it is proposed now instead of giving back this extra compensation to the retired officers at the home, to give them the pay and allowances they would receive if on active duty. The added expense, upon the basis of the rank of the officers presently employed, would be \$2,060 per annum. The amendment gives them no more than active officers would receive if detailed to duty at the home, which they may be under the law. There will be no allowance for quarters, of course, as public quarters are provided.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Yes.

Mr. TABER. Is it not a fact the assignments to the Soldiers' Home at the present time are among the most desirable in the Army?

Mr. SNYDER of Pennsylvania. I should say they are.

Mr. TABER. After the members of the full committee had gone into this very carefully, they decided they did not want to be responsible for presenting this thing to Congress.

Mr. SNYDER of Pennsylvania. Yes.

Mr. TABER. Does the gentleman think he is keeping faith with the House when he brings such a thing as this back here?

Mr. SNYDER of Pennsylvania. This is a Budget proposition, and this is the first opportunity the House itself has had to pass upon the matter. The House may dispose of it as it sees fit.

Mr. TABER. If the House votes it down, the Senate will recede?

Mr. SNYDER of Pennsylvania. I do not know about that.

Mr. TABER. I think that can safely be said.

Mr. SNYDER of Pennsylvania. The gentleman will concede it was my duty as chairman to bring it back and present it to the House.

Mr. TABER. But not to move to recede and concur. I think the gentleman should have moved to insist upon the position of the House, because I think this is a very dangerous precedent for us to start.

Mr. SNYDER of Pennsylvania. The House has never taken any position upon the matter. However, I may say we did try to have the Senate recede.

Mr. TABER. The gentleman has moved to recede and concur. We should have had a motion to insist upon the

position of the House. Frankly, I do not feel there is any possibility of getting anywhere with orderly government when we hand out a bunch of money gratuitously to those who are holding the most desirable and most sought-after commissions in the Army. I do not think we ought to adopt this amendment, and I hope the House will defeat it.

Mr. TARVER. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia.

Mr. TARVER. Mr. Speaker, I hope the gentleman will yield me more than 5 minutes. I doubt if I can discuss the matter thoroughly in that time, and, as a member of the committee, I certainly would like to explain to the House the circumstances in regard to this proposition.

The gentleman made some reference to me in opening his statement by saying it would not be necessary to make a statement except for my benefit.

Mr. SNYDER of Pennsylvania. Yes.

Mr. TARVER. I do not appreciate that statement, because it would indicate I am the only member of the committee who has opposed the position the gentleman has assumed, when the gentleman knows the committee voted practically unanimously against the increase. In fact, so far as I recollect, the vote of the gentleman from Pennsylvania [Mr. SNYDER] was the only vote cast against cutting out of the bill this proposed increase in the compensation of these five retired Army officers. The committee was practically unanimous that this provision ought to go out.

The situation is simply that these five retired Army officers, who are most excellent gentlemen, have positions which are very much sought after by retired Army officers. They have beautiful homes out there, for which they pay nothing. Of course, they have their retirement compensation. They have other considerations which come to them by reason of the fact they are stationed on this public property. It is not a question of adding compensation for the benefit of officers who are underpaid. The gentleman from Pennsylvania [Mr. SNYDER] made the statement before our committee that so far as he knew these officers were receiving adequate compensation. The only question which seemed to be material in the discussion of the matter in the committee was that there seemed to be a little money that would not be spent in the ordinary activities of this organization, and the question was how to get the money into the hands of somebody who would appreciate it. Therefore, it was suggested that these five retired Army officers, who are already well enough paid, should receive the pay of men on active duty.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield for a question?

Mr. TARVER. I yield to the gentleman from Texas.

Mr. McFARLANE. Does not the gentleman feel, inasmuch as the retired Army officers are already being well enough paid, that with the money which is sought to be used for this increase we ought to reduce the per-capita allotment of the service men and in that way permit a saving to the enlisted men? Should not that be the program rather than increasing the pay of these five officers?

Mr. TARVER. I do not know about that. These service men pay 25 cents a month, as I understand it, out of their small salaries toward maintaining this institution. I understand there also go into the fund for maintaining this institution the fines and penalties imposed by courts martial in the United States Army. I also understand that the retired private who is accorded domiciliary care there gets \$2 a month, whereas these retired Army officers get \$4,000, \$5,000, or \$6,000 a year. The private out there who works all the time gets \$30 a month. If you are going to do anything toward increasing the pay of anybody at the Soldiers' Home, why not do a little something for the enlisted man who must make his home there, just as these retired Army officers are making their homes there, rather than increase the compensation of a class of officers who are already well paid?

As I have stated, these men are excellent gentlemen. I do not criticize them for wanting to get an increase in pay if

they can, but they have sought these positions. They do not have to stay there unless they want to. There are plenty of other men who would like that assignment. Their duties are not onerous. They spend a great deal of their time playing golf on the beautiful golf course there, for which I do not blame them. However, I do say this is not a proper time to be undertaking to increase considerably the compensation of officers of this type. No good reason has been advanced, so far as I have been advised, for an increase.

[Here the gavel fell.]

Mr. TARVER. May I have just a little additional time in order to ask the chairman of the committee a question?

Mr. SNYDER of Pennsylvania. Mr. Speaker, I yield 2 additional minutes to the gentleman from Georgia.

Mr. TARVER. Does the gentleman take the position these men are underpaid for the duties which they perform?

Mr. SNYDER of Pennsylvania. Yes; because, as I said in my opening statement, I believe their duties and responsibilities compare favorably with those of many active officers. I may say to the gentleman we are establishing no precedent in doing this. There are already seven retired Army officers on full pay at different posts throughout the United States, so we are establishing no precedent.

Mr. TARVER. I am not talking about establishing precedents. The gentleman himself plays golf out there and knows something about the circumstances to which I have referred.

Mr. SNYDER of Pennsylvania. Yes; I know something about them.

Mr. TARVER. The gentleman knows what duties, if any, these officers perform; and does the gentleman take the position that the \$4,500 to \$6,000 a year which they now receive, together with their quarters out there, is sufficient compensation for the work they do?

Mr. SNYDER of Pennsylvania. In view of the fact that other retired Army officers performing active duty receive full pay, I say they should receive it also.

Mr. TARVER. I am not talking about what other Army officers receive; but I am asking the gentleman if he thinks they are well enough paid now or not?

Mr. SNYDER of Pennsylvania. Not when compared with other officers who receive full pay under similar circumstances.

Mr. TARVER. What do they do except stay out there and look after things in a general way?

Mr. SNYDER of Pennsylvania. I will answer the gentleman's question.

Mr. TARVER. All right.

Mr. SNYDER of Pennsylvania. I have spent a great deal of time making a study of what the people do out there, going out mornings, evenings, and afternoons, and not on the golf course.

Mr. TARVER. That is the reason I am asking the gentleman what they do.

Mr. SNYDER of Pennsylvania. Those gentlemen are up and doing and perform such work as is necessary to keep the Soldiers' Home one of the finest conducted places in America.

Mr. TARVER. What do they do?

Mr. SNYDER of Pennsylvania. Go out and look around and see what they do. See how well the place is kept, go to their offices and see how they have their work up to date.

Mr. TARVER. What has the gentleman seen them doing?

Mr. SNYDER of Pennsylvania. I have seen them at their desks at work.

[Here the gavel fell.]

Mr. TARVER. May I have 2 additional minutes so the chairman may answer my question?

Mr. SNYDER of Pennsylvania. I yield the gentleman 2 additional minutes.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. TARVER. I yield.

Mr. TABER. Is it not a fact that the biggest part of the duties of these officers is to play golf?

Mr. TARVER. I may say to the gentleman that they are frequently engaged in playing golf. I do not think that is discreditable at all. I think it is perfectly proper for them to play golf, so far as that is concerned. I do not think they have very much to do in the way of official business, and I do not blame them for playing golf whenever they get a chance to do so, but I do think it is foolishness for this Congress to come along, when they have fine homes furnished by the Government and very little to do, and occupy places that all the retired officers of the Army want, and say just as a matter of gratuity, we are going to increase their pay \$1,500 or \$2,000 a year.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. LUCAS. Who is responsible for the insistence upon this increase in the pay of these retired Army officers?

Mr. TARVER. There has been no person who appeared to assume responsibility before our committee except the gentleman from Pennsylvania [Mr. SNYDER]. Who has been urging on Mr. SNYDER of Pennsylvania that this pay be increased I do not know.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. MASON. As I understand it, the position of the gentleman is that this Congress should not vote a bonus to these men for playing golf out there on the golf course.

Mr. TARVER. Well, I may simply say there has been no evidence before our committee that they are not getting enough for what they do, and simply to give them additional compensation without rhyme or reason, except because they may have a little extra money out there in the Treasury, to my mind is not good public policy.

Mr. MASON. I agree with the gentleman.

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, one of the outstanding Army politicians is now superintendent of the Soldiers' Home. I do not know of any man who has served in the Army during the 25 years I have been in Washington who excelled General Coleman in this respect. General Coleman served with distinction during the World War. He saw service at the front. Conceding he had a fine record during the war, we must also remember that hundreds of thousands of others, generals down to privates, likewise had excellent records. During peacetime General Coleman had some mighty fine assignments. He was in Washington as Chief of Finance. Few Army men were better known in this city. He had a fine personality, and if I am any judge, he certainly had a fine time during his stay here. As I recall, ending a tour of duty here, he received another assignment, but it was but a short time before he was back in Washington. Only a short period after he reached the retirement age we find him assigned to duty as superintendent of the Soldiers' Home. Within a year's time he is at the Capitol lobbying, if you please, to have his salary increased.

There was never any talk about increasing the salaries of the retired officers until General Coleman was made superintendent of the Soldiers' Home. It so happens that the quartermaster at the Soldiers' Home, who likewise had a fine record abroad during the war, comes from my home city and is a close personal friend of mine. He has never at any time in conversation with me advanced the thought that he ought to have an increase in pay.

A little over a year ago General Coleman was sent to me by the Chief of Staff when I was trying to correct abuses in connection with the administration of the travel-pay law in the Army. He came down and told me, using his own language, "You are talking right up my alley, and I want to help you stop these abuses." One of these days I am going to make a speech on how the travel-pay law operates, and when I do you will hear some things you never dreamed

could occur with the consent of Congress. I pointed out some of the abuses to General Coleman and we talked for an hour or more on the subject. He conceded something must be done. General Craig, Chief of Staff, had already advised me that changes should be made. It is within the power of the War Department to make the changes under existing law by issuing regulations. I really felt that I was about to save some money for the taxpayers with the Chief of Staff and the Chief of Finance of the Army agreeing with my contention that the law was being abused, as I thought it was costing the taxpayers several hundred thousand dollars a year more than it should. Now, mind you, General Coleman tells me "You are talking right up my alley, and I want to stop these abuses." My reply was, "All right; send me down an amendment to that law that will correct the evil by law so that some future Chief of Finance cannot change it." He sent me the amendment. Due to illness—this was a year ago—I was forced to remain away from my office for 2 weeks. When I returned I had the amendment analyzed and I learned it not only would not correct the abuses but that it would add to the cost. Before I had time to reach the matter General Coleman had retired but I wrote him and told him just what he had tried to put over on me.

As a result of my activities there has been several new regulations issued since General Coleman was retired and I have introduced a bill which I hope will further correct this situation. Naturally I cannot forget this, but even if this incident had not occurred I would oppose this amendment. There are men who have served as superintendent of the Soldiers' Home whose record in the Army would have justified special recognition in the past, but they did not come here and ask us to raise their pay. I admit they have responsibilities, but they sought the job, the job did not seek them. There are hundreds and hundreds of retired officers who would like the assignments. They live in fine homes, beautiful surroundings, a golf course for their front yard.

General Coleman tried to have this amendment put on the bill when the measure was before the House. As I understand the vote in the full committee was practically unanimous against the increase. Then what does the general do? He goes over to the Senate and gets the Senate to put the amendment in the bill, although he knew full well the feeling in the House committee. In other words, General Coleman ignores the action of the House committee, saying in effect, regardless of what the House says, I will get the increase through the Senate. Let us show not only General Coleman but others that they must pay some attention to the House.

I insist there is absolutely no sound reason for increasing the pay of General Coleman. It is setting a bad precedent for us to increase the pay of the man who has this job at the Soldiers' Home which he asked for and who comes to us before he has been retired a year and says, "Give me an increase in pay." Grant that he is efficient, that he is making a good superintendent; take it from me he will not leave if you vote this amendment down. I want to go on record as being absolutely opposed to such a proposition. We should send it back to the Senate.

Mr. SNYDER of Pennsylvania. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. McFARLANE].

Mr. McFARLANE. Mr. Speaker, this is a very important matter that is pending before the House. It is an amendment to raise the pay of these retired Army officers out here at the National Soldiers' Home about \$2,000 a year at the expense of the Government. I am sick and tired of the different officers coming in here and presenting legislation to increase their own pay and allowances, and some of these officers have probably fought the battle of Washington, it is true, and became more familiar with talcum powder than any other kind, and they soon learn how to submit legislation to increase their pay.

There is a decision from the Court of Claims—*Re Jones* (60 Ct. Cls. 552)—in which the court held that such officers

of the Army, Navy, and Marine Corps pay no income tax at all on their subsistence and rations allowance, and then they come in here as under this amendment, even if they got only two votes in the whole Appropriations Committee, as the gentleman from Georgia has said, and want us to raise each of these five Army officers from \$2,000 to \$2,800 a year.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. McFARLANE. Yes; I yield.

Mr. McCORMACK. Outside of this question the gentleman does not take the position that the Army officer or the Navy officer has a soft job, does he?

Mr. McFARLANE. No; I do not.

Mr. McCORMACK. I would not take their job under any condition. I think most of them are entitled to sympathy because of the hardships they have to go through.

Mr. McFARLANE. However, I do not think the Army and the Navy officers ought to be given any more preferred treatment than is given to Members of Congress. I think they ought to pay an income tax on their income as well as on their ration allowance and subsistence. We pay income taxes on our salaries as well as our allowances.

Mr. McCORMACK. The gentleman is discussing something that I did not discuss. I wanted to ascertain the gentleman's true state of mind.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. McFARLANE. Yes; I yield.

Mr. MAY. If we increase the pay of these retired officers in the Soldiers' Home, why will we not also be asked to increase the pay of all retired officers?

Mr. McFARLANE. It seems that some of them have already gotten increases, and this amendment is just passing this increase down along the line to those who have not, and this is a good place to stop this kind of thing. I do not think they are entitled to this increase. I asked the gentleman from Pennsylvania [Mr. SNYDER] what they are doing and he could not tell us. As a matter of fact, their duties out there are nominal; they have a splendid home furnished them, with three-quarters of the Regular Army pay, as well as this beautiful home, which they are living in, and they are doing practically nothing for it in the way of duty. I think it is time to kill this amendment and to kill it now.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. McFARLANE. Yes.

Mr. BIERMANN. If this money is not voted to these officers, who gets it?

Mr. McFARLANE. It will remain in the Treasury.

Mr. BIERMANN. Is this money coming out of the post exchange fund?

Mr. McFARLANE. I am not sure, but I understand part of it does and part from court martials; and as I understand it, some of it comes from a 25-percent assessment against the enlisted personnel for the upkeep of the Soldiers' Home, as stated by the gentleman from Georgia [Mr. TARVER]. We could reduce that assessment if we have a surplus, but the Army officers want to consume that surplus, and that is all there is to this. If we do not need this money, we ought to give it back to the enlisted personnel and not take it away from them and give it to these five officers who are not entitled to it. I hope this House will not vote to give it to them just because they happen to be good fellows.

Mr. LEAVY. Mr. Speaker, did not the whole Committee on Appropriations vote this item down?

Mr. McFARLANE. Yes, sir. Those in favor of the item got but 2 votes out of about 30.

Mr. LEAVY. And did not this House vote it out when the item came on the floor?

Mr. McFARLANE. Yes; and then the Senate put it back in the bill; and I hope this House will vote it out now.

Mr. SNYDER of Pennsylvania. Mr. Speaker, in connection with the remarks just made by the gentleman from Texas [Mr. McFARLANE], I wish to make this statement: First, that the added cost involved here does not come out of the 25 cents a month contributed by each soldier. It comes directly

out of the Treasury. Second, with reference to the present governor of the home, I wish the RECORD to show that he served with distinction at the front in France during the World War.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. SNYDER of Pennsylvania. I yield.

Mr. TABER. Does the gentleman play golf with the general out there?

Mr. SNYDER of Pennsylvania. I am sorry to say I never have.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mr. LUCAS. Who is insisting on this increase of pay to the major generals?

Mr. SNYDER of Pennsylvania. I may say to the gentleman that this is a Senate amendment which we are bringing back in disagreement.

Mr. LUCAS. That is not the question. Perhaps the gentleman misunderstood me. Who is insisting on increasing the pay of these major generals?

Mr. SNYDER of Pennsylvania. I might say the proposal comes from the Budget; it was submitted in the Budget.

Mr. LUCAS. The Budget insists that the pay of these men be increased?

Mr. SNYDER of Pennsylvania. I should not say that; the Budget submitted the proposition.

Mr. LUCAS. Mr. Speaker, I still do not have any answer.

Mr. SNYDER of Pennsylvania. Well, the Senate, then. The item was in the Budget; the House omitted it and the Senate included it in the bill.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. SNYDER of Pennsylvania) there were ayes 3 and noes 95. So the motion was rejected.

The SPEAKER. The Chair respectfully suggests to the gentleman from Pennsylvania [Mr. SNYDER] that in view of the last action, the gentleman should move that the House insist on its disagreement to the Senate amendment. In other words, some disposition should be made of that amendment, and not leave it up in the air.

Mr. TARVER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TARVER. If the gentleman from Pennsylvania [Mr. SNYDER] does not desire to make a motion to further insist upon the disagreement of the House to the Senate amendment, will the Chair recognize some other member of the committee to make such a motion?

The SPEAKER. The Chair will recognize some other member of the committee to make such a motion if the chairman of the committee does not desire to make the motion.

Mr. SNYDER of Pennsylvania. I make that motion, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania moves that the House insist on its disagreement to the Senate amendment no. 15.

The motion was agreed to.

A motion to reconsider the votes on the conference report was laid on the table.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, the gentleman from California [Mr. VOORHIS] made a notable address last night at

Charlottesville, Va., before the Institute of Public Affairs of the University of Virginia on international relations. I ask unanimous consent that the address of our colleague be printed in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Under previous order of the House the gentleman from Georgia [Mr. Cox] is recognized for 40 minutes.

FREE CONSTITUTIONAL DEMOCRACY IN AMERICA

Mr. COX. Mr. Speaker, today we face a crisis which calls for high courage, deep integrity of purpose, and great restraint of emotionalism.

We, as a people, stand at the dividing pathways of decision. Upon the decision which we, the custodians of a sacred trust—the preservation of our Republic—shall make will depend the destiny of this Union. Upon the leaders and the citizens of today rests the responsibility of determining whether this Nation as a free constitutional democracy shall continue its progress in a complex world civilization as a united country bulwarked and buttressed by a fraternal spirit of common counsel and a unified effort irresistibly moved by a mutual love for our common country or whether constitutional democracy, personal liberty, and individual opportunity shall eventually go down in fratricidal strife and disorder or be submerged by surreptitious betrayal under the pattern of an alien political and social philosophy.

This is a time that tries men's souls and tests their tempers. In the heat of debate on these momentous questions many times words are spoken or implications are offered which wound the personal sensibilities. This should not happen. Life is too short, peace of mind is too sweet, for personal bitterness and animosities to have place in the thoughts of those who would reap some joy in life.

This is not a battle between personalities as such. It is a collision between two principles, two concepts of government, two systems of civilization diametrically opposed to each other and utterly irreconcilable at every point.

It is an epochal struggle between two fundamental ideas of a way of life. On one side is constitutional democracy, embracing, as it does, individual freedom, liberty of conscience, of speech, of press, of assemblage, of ownership of property, of opportunity, and the dictation by the governed of the laws which shall govern them.

On the other side are the communistic, the fascistic, the oligarchical, and the autocratic ideas of government, all, in the final analysis, in the same category—a form of absolutism. They each embrace as a necessity of their very existence and successful administration the suppression of individual freedom, of liberty of conscience, the abolition of free speech, free press, free assemblage, of private ownership of property, of individual opportunity, and the substitution of the will of a dictator or of an oligarchy for the laws made by the people as their governing agency.

Constitutional democracy is the American way of life and the American concept of government. Russia, Italy, Germany are examples of oligarchical, autocratic, and dictatorial absolutism.

Centralization of power in one governmental agency is the first long and dangerous step toward ultimate absolutism. It is a movement away from constitutional democracy as it operates in America. Labor despotism is another and collateral step in the same direction.

Our task today is not to persuade the people to desire a constitutional democracy as their form of government. There is no shadow of doubt that the overwhelming mass of our people want the liberties, the principles, and the operations of government guaranteed under our Constitution.

Our task is to defend and protect the populace whom we represent against the surreptitious filching, one by one, of their rights and their liberties and their powers of self-government and to prevent the moral fiber and the independent spirit of the people being sapped and weakened and finally destroyed, perhaps by propaganda and by a pseudo-paternalism financed by their own money and wrought by a base betrayal of their confidence in their leaders.

Personalities emerge in this struggle merely as men aline themselves aggressively with one or the other of these two opposite concepts of government and of civilization.

Those who advocate any form of absolutism do so in the hope and the belief that they will either be the dictators or that they will be in the high favor of those who will be the dictators. Always they find, at last, that they themselves are entrapped and enslaved in the meshes of their own machinations.

Benjamin Franklin once wisely said:

Those who give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.

The great danger in this struggle is that acrimonious personalities will be permitted to befog and obscure the fundamental issues so that the encroachments upon free government and individual liberties will go unnoticed by the great mass of the people until when they finally awaken to what has happened it will require armed and violent action for them to recover their filched rights and liberties.

That is always the danger present in the adulation or condemnation of personalities. That is why in this struggle we must keep the fundamental principles and issues clear and visible, and not permit them to be obscured by intense controversies over and between personalities. Fundamental principles cannot be altered to fit individuals, but individuals must adapt themselves to principles.

Bitterly as I disagree with the ideas and purposes of those who advocate communism or fascism or nazi-ism as a form of government for this country, bitterly as I disagree with those who advocate a political oligarchy, a financial autocracy, or any other form of absolutism or dictatorship, I concede to every man the right to advocate peacefully, openly, and frankly such forms of government if he so desires. But let those who do desire such forms of government come out into the open so we may know them as they are and for what they stand.

Let those who desire to change this constitutional democracy into some form of absolutism or group rule come out into the light of day and meet us who believe in a free constitutional democracy in fair debate with the issues clearly exposed to the scrutiny of the people. And let them be American citizens. I for one have no word of praise for aliens who, enjoying the fruits of our hospitality in this great free Nation by our sufferance, betray our tolerance by surreptitious, subversive boring from within in an effort to undermine the very foundation of the Republic that gives them haven and liberty. Such ones deserve only condemnation and deportation to their native shores. [Applause.]

The danger to this Nation lies in those self-serving groups who by adroit use of subtle political and social propaganda accumulate power and more power while pretending to be seeking the welfare of the people. I care not under what political banner nor under what guise of pseudo philosophy such groups cover their nefarious plans and subversive actions, the fact still remains that their motives are dishonest, their movements are utterly dangerous to free government, and their efforts will result in armed resistance by liberty-loving citizens determined to preserve this Republic as soon as the purposes of these subversive elements become thoroughly understood by the people of this country.

It is such a contingency I desire to see avoided.

Mr. Speaker, this country is our common country. The welfare of this Nation is the common welfare of all the individuals in it. The liberty of one must be and is the liberty of all, and that liberty can be preserved only by the lawful suppression of any attempted license. True liberty is orderly liberty. True freedom is found in justice, in honesty, in

unified effort for the good of the individuals who make up the mass of the citizenry.

If this Nation is wrecked, we are all wrecked with it. If this Republic is ruined, we are all ruined with it. Our lives and our individual interests are all so integrated that none of us can hope to escape the impact of any disaster that may overtake this country.

It is the inalienable right of the majority of the citizens of this Nation to determine what our form of government shall be. It is the right of the majority, under our American plan of government, to be wrong if they desire to be wrong; and it is only by logic, reason, and persuasion that they may be led to be right. Any effort to change the form of this democracy by subterfuge and surreptitious subversion against the will and the desire of the majority is treachery that borders on treason.

If the majority of the citizens of this Nation desire to change their form of government, let it be done in the open light of day. Let it be done by them in the full knowledge of what they are doing. It must not be brought about by organized minorities or alien agitators who, while they draw their strength and nourishment from the hospitable breasts of this democracy, plunge the blade of treachery into her vitals.

It is my understanding that the purpose of the Communists in America is to accomplish the overthrow of our constitutional form of government by subversion, covert treachery, by poisonous propaganda, if possible; and, finally, when they believe themselves strong enough, by bloodshed, disorder, revolution, coercion, and brute force, if necessary.

As to the Governments of Russia, of Italy, of Germany, of any other nation, I have no word of criticism. It is the right of the peoples of those nations to have such form of government as they desire or are willing to tolerate. But we want no Stalin, no Mussolini, no Hitler ruling this fair land of ours. [Applause.]

Dealing not with personalities but with principles, and intending no thrust at any particular individuals, I say that any organized group, whether motivated by greed for money gains, by an insatiable lust for political power, or by the inordinate personal pride of its leaders, that by subterfuge and subversion attempt to change the form of our constitutional democracy, to shackle the individual liberties of our people, to suppress free speech and free press, and to overthrow the free Republic set up out of the blood of our forefathers, without the knowledge and consent of the majority of our citizens, is a group of traitors who should be relentlessly rooted out of their noxious anonymity and made to bear the full responsibility of their motives and their acts. Let it be said here and now that those who have a passion for anonymity usually fear to face the responsibility for their acts. [Applause.]

In all ages and among all peoples, Mr. Speaker, there have always been those individuals impelled by an insatiable lust for power and greed for self-aggrandizement, who were willing and eager to enslave their fellows and to set up oppressive dictatorships over their brothers. That enigma has never been solved by any philosophy. But it is a sad fact in the history of mankind that eternal vigilance against such as these has always been the price of liberty, and it is peculiarly so today.

It was because of that unhappy fact of human nature that the founding fathers in their wisdom provided our system of checks and balances under a tripartite form of government to guard men against their own consuming lust for power.

Beset as we have been and still are by wars, natural cataclysms, diseases, depressions, fears, and hardships, it would seem that men would draw together in a common bond of fellowship, and counsel together for the common salvation from these evils. Yet it is a tragic fact that, just as flood or fire or earthquake bring immediately in their train the ghoully looters who will rob the dead and dying and who will despoil the stricken, so the plight of a sorely beset

republic has brought like a flock of vultures those who would loot the people of their money and rob them of their liberties.

America today stands almost alone as a free republic. The wealth of our country, the luxuries enjoyed by the great masses of our people, the vast natural resources which are ours, are regarded with envious eyes by much of the rest of the world.

Not only do we have to be alert to the dangers which may threaten us from without; not only do we have to tread a very tortuous course through the mazes of world financial, commercial, and political pitfalls to keep free from entanglements in the quarrels of other countries, but at the same time we have to guard against the stealthy assaults from within by those who are willing and eager to undermine the foundations of this Government and see it fall in ruins that they may find opportunity to rule and to oppress their fellow men.

Faced as we are by a stupendous task of caring for our unemployed, of balancing our financial accounts, of preserving the integrity and the solvency of the Government, we find ourselves beset by disorders and disturbances which are stopping down industry, creating gigantic losses, disrupting markets, and thrusting prices upward. Recovery is being stalled. With unerring accuracy those who would seize control struck at the moment when their blow would be the most stunning.

It is because of these conditions that I plead here today for the submergence of all partisan feeling, all sectional friction, all class hatreds and jealousies, all personal bitterness and animosities in order that we may unite to achieve the common good and to rescue our country from these impending evils.

Not only are we facing these world conditions and these domestic economic dangers, this Congress is confronted by proposals which, if enacted into laws, must have profound and far-reaching effects upon our form and character of government.

We need to ponder well what may be the ultimate effects of our acts in this session.

Without condemning any individuals it must be said that sincere men may be mistaken. Mistaken men may be sincere. And schemers there always are among us who would take advantage of the mistakes of sincere men or the sincerity of mistaken men.

Not in the entire history of this Nation have we faced more profound problems more intimately affecting our own lives and liberties and the welfare of our posterity than we do this day. It behooves us to devote our whole energies and our most intense thought to these problems that we may not make fatal mistakes.

The industrial strikes and disorders now menacing our peace and domestic tranquillity have bound up within them fundamental questions of right and justice which must be considered dispassionately and clearly if still more dangerous conditions are to be avoided.

It is the right of free American wage earners to quit their work individually or en masse when and if they so desire. It is their right under our laws to attempt peaceably to persuade other workers to refrain from taking their places. Any attempt to deny American wage earners the fullest exercise of these rights is indefensible and is dangerous to the liberties of all the people.

It is equally the right of free American working men and women to pursue their vocations, if they so desire, and if they are satisfied with their wages and their hours and their conditions of labor, without intimidation, coercion, or interference by any agency, be that agency organized employer or labor minorities. Any denial of that right to work is indefensible, and the right should be upheld by whatever force of law and Government may be required to guarantee it.

If John L. Lewis and the C. I. O. had proceeded along the lines of lawful, orderly strike and picketing to achieve organization of workers and betterment of wages and hours

and working conditions for American wage earners, no word of mine would ever have been uttered in condemnation of him or his movement.

Until John L. Lewis and his associates in the C. I. O. purge their movement of the communists whose avowed purpose is the organization of American workers with the intent to violently overthrow our constitutional democracy, the C. I. O. must be regarded with deep suspicion and distrust as a highly dangerous movement by every citizen who loves his country and his liberty. [Applause.]

When the C. I. O. or any other organization undertakes by force and intimidation to debar workers from their jobs, that action is utterly indefensible under any concept of justice and liberty and should and must be met and defeated by the stern force of the Government and the law. [Applause.]

When any organized group of individuals undertake to stop the wheels of industry, to deprive citizens of their opportunity to pursue their vocations in peace, and, without the knowledge and consent of the majority of those workers, attempt to represent them and to coerce them into membership in any organization, such an action is utterly indefensible and should be put down by the stern force of the Government and the law.

When any group attempt to interfere and to close some industry of which they are not a part and in which they are not employed, such action is utterly indefensible and should be met and defeated by the whole power of the Government and the law.

When any group set themselves above the courts and in defiance of the constituted law-enforcement agencies in their interferences with industry and with workers who desire to pursue in peace their vocations, that is outlawry and should be treated as such by every power of the Government and the law.

When any organized group of workers represented by a collective-bargaining agency enter into a solemn contract with employers, and then wantonly, willfully, and in scores of instances violate and render that solemn contract a worthless scrap of paper, they have pursued an indefensible course; they have by their own acts created a grave doubt of their integrity and responsibility; they have violated every tenet of justice, fairness, and square dealing, and they have branded themselves as renegades to civilized, orderly society.

When any organized group undertakes to penalize and to terrorize the whole citizenry into submission to their demands, that is sheer terrorism and nothing else, and should be treated as such by every power of government and of law.

When any group of individuals interfere with the transit of the United States mails they have attacked the sovereignty and the integrity of the United States Government, and, regardless of who they may be, they should forthwith be put behind the bars.

No man can deny that all of these things have been done; that these indefensible acts have been perpetrated not once but scores of times by groups under the leadership of the C. I. O. The press of this Nation every day for months has been reporting just such acts. The daily newspapers have been filled with accounts of the break-down of local law-enforcement agencies, the terrorizing of entire communities, the penalizing of entire areas, of enormous economic losses inflicted upon all the citizens of whole sections of States.

O, Mr. Speaker, I do not condone, nor do I sympathize with, money-mad employers who are willing to grind their workers down to the lowest wages, the longest hours, and the harshest conditions.

The wage earners of America, in whatever strata, and whatever their race or color may be, are entitled to the highest wages and the best working conditions it is possible for them to have, consonant with a sound economic system under a free government, and compatible with the purchasing capacity of the consuming market, which makes possible the production of goods and services.

The wage earners of America are entitled to, and must have, collective bargaining rights and agencies—but those agencies must be agencies of their own free voluntary choice,

and they must be reasonable and fair in their demands, with the rights and the welfare of industry, of the great consuming public, and of the Nation constantly in mind.

I do not attempt to justify the unwise and unpatriotic practices of the past or the present by employers blinded by greed any more than I would now try to justify unjust and unpatriotic and unwise actions of organized labor minorities.

But it is not necessary and it is not just that the minority of employers and stockholders in industry should be deprived of their constitutional rights and protections by any dominant or aggressive group of labor leaders.

There are three parties at interest in any industrial problem—employers, employees, and the great consuming public. The interests and welfare of each of these three factors must be fairly considered and justly dealt with in any controversy, and in any adjustment of any controversy, if such adjustment is to be economically and socially sound, lasting, and beneficial.

Justice is even-handed. Justice is just to all. When men attempt to deprive other men of their just rights, then oppression replaces justice and strife and chaos inevitably ensue.

I have no word of condemnation for John Lewis and his associates, insofar as their aims and motives are to better the lot of the workers. But any attempt by those men or by any others to mislead wage earners, to impress into membership in the C. I. O. any wage earners against their will, for the purpose of building up the political and the financial power of the leaders, is utterly at variance with free constitutional government.

It is not denied that the C. I. O. movement is infested with avowed Communists whose ultimate goal is the violent overthrow of our constitutional democracy.

If John L. Lewis and his associates have loosed a movement which they cannot now control, then theirs is the responsibility for that deed, and every power of government and of law should be invoked to bring that irresponsible movement into immediate submission to the orderly processes of government and society.

If John L. Lewis and his associates can control the actions of the C. I. O., whose power has been misused, abused, and which has instigated, fostered, and led disorders, created grave economic losses, and caused the rise of a situation menacing to the peace of this Nation, then they should immediately do so. Otherwise every power of government and of law should be invoked to bring the C. I. O. movement within the bounds of an orderly, peaceful, constructive labor movement.

I have no sympathy, Mr. Speaker, with police brutality, with military oppression, with abuse of legal powers and laws by either the courts or the law-enforcement agencies. Such abuses are to be condemned by every decent man and woman in this land and should be punished as they deserve.

Wrong is never made right by another wrong. Oppression is never cured by counteroppression. Injustice is never made just by counterinjustice. Disorder breeds more disorder.

Let me say here and now that I do not want revolution. I do not want class strife, sectional antagonisms, racial hatreds. I do not want to see this land of ours drenched in the blood of poor, misguided men and women, lured into lawless excesses by false and dangerous leaders through outbursts of stimulated hysteria.

Revolution is not necessary. Industrial disorders are not necessary. I point for proof of that to those States whose governors have adopted the firm policy that law and order shall prevail and that strikes and picketing shall be within the bounds of legality. Those States have had little or no trouble from the C. I. O. movement. But in those States whose governors did not take a firm stand for law and order, disorder, economic losses, bloodshed and riots have held sway. That is a singular phase of the situation that merits careful consideration.

I say I do not want to see fratricidal strife between groups or classes of citizens of our country. But we cannot close our eyes to the fact that as the C. I. O. movement has grown

more arrogant, more disorderly, more unmindful of the law and of the rights of the people, there has sprung up a widespread movement by citizens organizing themselves as armed vigilantes.

These citizens in many communities, outraged by the continued violence and alarmed by the failure of the duly constituted law-enforcement agencies to act, have organized to undertake self-protection.

We are beginning, as a result of this widespread, outraged, and resentful public opinion, to hear admonitions from high official sources that illegal and ill-advised acts by reckless labor leaders be abandoned.

It is very regrettable that these admonitions did not come when the excesses first began. Had it been so, most of these deplorable incidents and the consequent great economic losses would never have occurred.

Vigilantism may become as dangerous as the C. I. O. movement because any armed organization of citizens outside the duly constituted law-enforcement agencies is always in danger of becoming a mob prone to commit excesses and to disregard the law and the legal rights of their antagonists in the heat and emotionalism of such a conflict.

Such movements are not necessary in America. We are still capable as a people of cool counsel, of dispassionate justice, of wise decisions, if we are not led astray by those who would use public hysteria, inflammatory propaganda, and false promises to lure our citizens into unwise and illegal courses of action.

It is inconceivable that in this enlightened Nation there cannot be an amicable meeting of the minds of men if they are moved by the desire to be just and fair.

Mr. Speaker, I have said that free speech and free press and the right to quit work or to remain at work are essentials to a free government. But the constitutional rights of free speech and free press do not include any right to pervert or to suppress the truth or to falsify the facts in order to delude the people.

[Here the gavel fell.]

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore (Mr. DORSEY). Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, I have said that under our free government any man or any group has the right peacefully to advocate any kind of government he or they may desire. But in a constitutional democracy any attempt by any man or any group to forcibly or otherwise overthrow that form of government without the express consent of the majority of its citizens is treason, and should be treated as such.

Mr. Speaker, this is a time of sifting. We must choose which side we are to be on; we must undertake the courageous discharge of the responsibilities which rest upon us as the trustees of this great democracy for posterity.

I would that each and every one of you might go through the tented city of the Boy Scouts. I hope that each one of you has seen that magnificent army of clean, wholesome, disciplined, eager-eyed boys, typical of the millions like them in this fair land, who are to take over this Nation when our weary hands have loosed the reins of government and we have found surcease from the cares of life.

What kind of a nation are we going to pass on to them?

Is it to be a free constitutional democracy, or is it to be a land of terrorism, of secret police, of oppression, of dictatorship, of absolutism?

Are the boys and girls of today who are the citizens of tomorrow to have the same opportunity for individual spiritual progress, social advancement, and cultural improvement that we have had, or are they to live as the youth of Russia, of Italy, of Germany are living? God forbid.

We have our inescapable debt to posterity. We have our inescapable responsibility to those who are to come after us to turn over to them a Nation of free men and women and children under a government born out of the devoted blood of those who dared all to give birth to this great free Republic.

We owe it to them to pass on to them unsullied, untarnished, and unimpaired the shield of free government, that America shall continue to stand, a shining beacon of hope lighting the skies of a world torn by strife, darkened by oppression, and threatened by the godless lust of those who would rule upon the ruins of enlightened civilization.

So with malice toward none and with charity for all, with respect for those who have the courage of their convictions, no matter how mistaken they may be so long as they are honest and open in their advocacy of their beliefs, I urge that bitter personalities may be abandoned, that partisan considerations be submerged, that party advantages be disregarded while we all counsel together as soldiers of the common good to preserve this great democracy and the liberties of our people against this creeping paralysis of dictatorship and oppression that is spreading through the world. [Applause.]

The SPEAKER pro tempore. Under the special order of the House heretofore entered the gentleman from Michigan [Mr. HOFFMAN] is recognized for 20 minutes.

Mr. HOFFMAN. Mr. Speaker, I do not desire to avail myself of the privilege at this time.

The SPEAKER pro tempore. Under the previous special order of the House the gentleman from New York [Mr. REED] is recognized for 15 minutes.

Mr. BIGELOW. Mr. Speaker, will the gentleman from New York yield?

Mr. REED of New York. I yield.

Mr. BIGELOW. Mr. Speaker, the American people are proud of their part in helping to give birth to the new nation of Poland. At the time we received solemn pledges of complete tolerance of all racial differences. A situation is now said to exist that is giving great concern to certain groups of our citizens relative to the anti-Semitic outbreaks in Poland.

Mr. Speaker, I ask unanimous consent to place in the RECORD a memorial signed by 130 Jewish and Protestant and Catholic fellow ministers of mine in Cincinnati.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The matter referred to follows:

STATEMENT ON POLAND

We the undersigned, members of the American community, professing all faiths, after having studied the record of events in Poland, join in conveying to the Jews of Poland our expression of deepest sympathy with their present plight and our earnest hope that steps will yet be taken to succor them from the tragic circumstances which affect their lives.

As Americans whose Government, acting with the sympathy of the entire Nation, played such an important role in the reconstitution of Polish independence, we cannot but look with dismay upon the fashion in which the present leaders of the Polish Government, with the memory of their own oppression still before them, have returned to the barbarism of the Middle Ages in respect to their Jewish population. This in defiance of elementary standards of human decency, and in contravention of the understanding between the American people and Government and of the guarantees incorporated in the peace treaties and reiterated in the Polish constitution, assuring all racial, national, and religious groups within Poland of full equality of treatment.

We have followed the course which the Polish Government has taken in recent years toward its Jewish citizens, who are among the most loyal and patriotic citizens of the country and whose contribution to Polish independence and Polish culture has been important and second to none.

It is our solemn conviction that the policies pursued by the present authorities in Poland will not only spell the doom of the Jews but will destroy the place of the Polish Republic in the circle of civilized nations.

We call to the attention of the Polish Government that the toleration of anti-Semitic agitation and economic boycott; that the introduction of a policy which seeks the solution of the economic problems of the land at the expense of one section of the population; that the toleration of physical violence against a peaceable and nonviolent section of the population; and that the establishment of the basis of government on the principles of racial superiority cannot but lead to ultimate ruin. No nation and no government has ever flourished on the soil of oppression.

We appeal to the democratic forces in Poland to unite their strength to repudiate the Aryan paragraph and to defend with all the force at their disposal the principles of democracy which are the only guarantees of human freedom, civilization, and peace.

We address ourselves to the Polish Government in the hope that it will see the wisdom of remaining loyal to the standards

of democracy, in redemption of its pledge to end oppression, and in order to fulfill the highest destiny of the Polish people.

Stephen H. Alling, Church of the Resurrection; H. E. Armacost, Wayne Avenue Methodist Episcopal Church; I. G. Armbrust, Camp Washington Methodist Episcopal Church; J. L. Armstrong, United Brethren Church in Christ; Henry Pearce Atkins, executive secretary, Federation of Churches; James P. Attridge, Holy Trinity Episcopal Church; R. E. Baldwin, Eastminster Presbyterian Church; Marvin F. Ballew, First Presbyterian Church; N. C. Bangham, Hartwell Methodist Church; George F. Barber, Madisonville Methodist Episcopal Church; Harold W. Barkhau, Evangelical Protestant Church; Frank T. Barr, Church of the Nativity, Episcopal; Milo Beran, Mount Washington Presbyterian Church; H. H. Bierbaum, St. Paul's Evangelical Church; J. W. Black, Latonia Baptist Church; Kenneth B. Bowen, Madison Avenue Christian Church; C. F. Bowman, First Methodist Episcopal Church; William E. Bridge, Columbia Baptist Church; F. G. Brune, Evangelical and Reformed Church; Harry B. Burks, Glendale Methodist Episcopal Church; G. B. Bush, Fort Mitchell Baptist Church; Allan W. Caley, North College Hill Methodist Episcopal Church; John J. Castleberry, Walnut Hills Christian Church; Paul B. Clark, Cincinnati Baptist Church Union; Walton R. Cole, First Baptist Church; Arthur E. Cowley, Walnut Hills Baptist Church; A. G. Cox, Methodist Episcopal Church; O. B. Crockett, Methodist Episcopal Church South; David H. Deen, Oakley Presbyterian Church; Arthur S. Dodgson, Wyoming Baptist Church; George C. Dunlop, Church of the Advent; E. N. Earley, Methodist Episcopal Church; Hugo G. Eisenlohr, minister emeritus, St. John's Unitarian Church; E. M. Elsey, Reformed Presbyterian Church; Wilson C. Emigholz, Evanston Presbyterian Church; Gerson S. Engelmann, Evangelical Reformed Church of Oakley; H. L. Evans, Second Calvary Baptist Church; H. K. Eversull, Walnut Hills Congregational Church; Wilbur H. Fowler, Westwood Methodist Church; W. M. Frisby, Mount Sinai Baptist Church; Charles E. Fryman, New Haven United Brethren Church; Harold N. Geistweit, Ninth Street Baptist Church; H. C. Gillespie, First Baptist Church; S. B. Godbey, Methodist Church; G. W. Grauer, Philippus Evangelical and Reformed Church; William Gross, Silverton Presbyterian Church; Jesse Halsey, Seventh Presbyterian Church; Robert Bryson Hamilton, Hartwell Presbyterian Church; W. Martin Harris, Second Baptist Church, Trinity; L. W. Harvison, First Federated Church; Herschel Herbert Liechty, Westwood Salem Presbyterian Church; G. Heathcote Hills, Grace Church; W. W. Holland, Delta Avenue Methodist Episcopal Church; A. J. Holtz, St. Paul Evangelical and Reformed Church; B. H. Hillard, Lockland Baptist Church; A. O. Hjerpe, Immanuel Presbyterian Church; Meredith M. Hogue, Madeira Presbyterian Church; William H. Hudnut, Jr., Glendale Presbyterian Church; Bernard W. Hummel, Holy Trinity Episcopal Church; James Wilson Hunter, St. Andrew's Episcopal Church; Otis G. Jackson, St. Mark's Church; David H. Jemison, Pl. Christian Fraternal Orders; H. B. Jones, Methodist Episcopal Church; Robert M. Jones, Friends (Quaker) Church; Benjamin F. Judd, Pleasant Ridge Presbyterian Church; George H. Kase, hospital chaplain, Federation of Churches; J. J. Kenbeek, Christian Reformed Church; M. D. Kidwell, Cheviot United Brethren Church; A. H. Knipping, Evangelical Church; Ralph W. Knoop, Methodist Episcopal Church; Clarence W. Krebs, Community Methodist Episcopal Church; G. J. Krumm, Immanuel Evangelical Church; John L. Langhorne, St. Philip's Episcopal Church; George Albert Lawson, Westwood Baptist Church; H. C. Martin, St. Luke's Methodist Episcopal Church; Thomas Mathers, St. Thomas Episcopal Church; J. S. Mathews, Evanston Baptist Church; Ira D. Matthews, Westwood-Cheviot Church of Christ; Achilles B. Meyer, Salem Evangelical Church; C. A. Moore, Winton Place Methodist Episcopal Church; Frank H. Nelson, Christ Church, Protestant Episcopal; P. A. Nichols, A. M. E. Church; George W. Oliver, United Brethren Church; Carl H. Olson, Ohio Universalist Convention; Edmund H. Oxley, St. Andrew's Episcopal Church; W. G. Pendleton, Trinity Episcopal Church; V. C. Pfeiffer, Methodist Episcopal Church; Robert I. Platter, May Street Presbyterian Church; J. C. Plummer, Pleasant Ridge Methodist Episcopal Church; Leland J. Powell, Norwood Baptist Church; Joseph F. Quick, United Brethren Church; William Reeves, Methodist Episcopal Church; John Gray Rhind, First Presbyterian Church; G. Barrett Rich, 3d, Avondale Presbyterian Church; Fred Riley, Washington Evangelical Church; O. W. Robinson, Grace Methodist Episcopal Church; L. D. Rounds, Methodist Episcopal Church; G. W. Sawyer, Mount Lookout Methodist Protestant Church; Charles J. Schaufuss,

York Street Congregational Church; Karl W. Scheuffler, Auburn Avenue Methodist Episcopal Church; Paul Schmidt, Bridgetown Evangelical Protestant Church; Charles J. Sebastian, Central Christian Church; Hardigg Sexton, Westwood First Presbyterian Church; G. Kenneth Shafer, Bond Hill Presbyterian Church; James P. Simmonds, Methodist Episcopal Church; Mathew E. Simms, First Baptist Church; T. C. Sleete, Immanuel Baptist Church; W. M. Smith, Mount Olive Baptist Church; J. R. Stanforth, Methodist Episcopal Church; John V. Stephens, Presbyterian Church; O. Frank Storch, Jr., Mason Presbyterian Church; Carl Stridsberg, Ascension (Episcopal) Church; A. C. Sumpster, Allen Temple; A. C. Bebeau, All-Saints Episcopal Church; John L. Tilton, Union Methodist Episcopal Church; Roger J. Turrell, Bethlehem Methodist Church; John M. Versteeg, Avondale Church-Walnut Hills Methodist Episcopal Church; E. Philip Vogel, First Presbyterian Church; Wilbur A. Vorhls, Price Hill Methodist Episcopal Church; Marion Nelson Waldrip, First Methodist Church; Edwin C. Walley, Asbury-Third Methodist Episcopal Church; Joseph T. Ware, Protestant Episcopal Church; C. W. Warren, Thankful Baptist Church; Harold J. Weaver, St. Matthew's Episcopal Church; Walter L. Weber, St. Luke's Evangelical Church; Charles Wesley, Mount Moriah Baptist Church; Walter R. Wetzeler, St. Matthew Evangelical Church; Calvin Dill Wilson, Presbyterian Church; Edwin Winnecke, St. Paul's Evangelical and Reformed Church; E. Lavon Winterberg, Blue Ash Presbyterian Church; A. S. Wolfe, Willey Memorial United Brethren Church; D. Finley Wood, Mount Auburn Methodist Church; Henry E. Woodard, Mount Auburn Baptist Church; K. Brent Woodroff, Grace Episcopal Church; I. E. Zimmerman, United Brethren (Zion) Church.

Mr. REED of New York. Mr. Speaker, the Boy Scouts, 26,000 strong, have been in the Capital city for several days. These fine, clean, typical American lads, by their gentlemanly conduct, have honored themselves and their leaders. The Boy Scouts fully demonstrate the value of personal influence in molding character and developing a sound, loyal citizenry. Furthermore, I firmly believe that we have a great responsibility to meet if we are to contribute our full measure of influence to the building of men worthy to preserve, protect, and defend our heritage of freedom.

It has been said:

There is no action of man in this life which is not the beginning of so long a chain of consequences that no human providence is high enough to give us a prospect to the end.

It has been my observation that every man is some boy's ideal. This fact is a challenge to every man and it should be a welcome challenge to every man who aspires to contribute to the character and well-being of his country. I believe that the influence of every man upon the youth of the land will be felt for hundreds of years. Let us illustrate the truth of this broad assertion.

More than 2,000 years ago Athens was a huddle of unsightly mud huts. What transformed her into the most beautiful city in the world? A great patriotic and civic leader arose who sought to make Athens so beautiful that the citizens would love it and if invaded by a foreign foe, fight for and defend it. One great work of art after another appeared to stir the enthusiasm and arouse the pride of every Athenian.

Pericles, the great leader, made it a practice to take groups of young Athenian boys into the open square, point upward to the Parthenon, and say to the young men:

I would have you day by day fix your eyes upon the greatness of Athens until you become filled with love of her, and when you are impressed with the spectacle of her glory, then reflect that it has been acquired by men who knew their duty and who had the courage to do it.

It was in that day and age, the Golden Age, that every young man in Athens, before admitted to citizenship, entered the temple and took the beautiful Athenian oath:

We will never bring disgrace to this our city by any act of dishonesty or cowardice. We will fight for the ideals and sacred things of the city, both alone and with many. We will revere and obey the city's laws and we will do our best to incite a like reverence in those above us who are prone to annul them or set them at naught. We will strive increasingly to quicken the public sense

of civic duty. Thus, in all these ways, we will transmit this city not only not less but greater, better, and more beautiful than it was transmitted to us.

The question is, Did this spirit of patriotism and loyalty have a survival value? Has the spirit of Pericles lived in the hearts and minds of succeeding generations? I shall demonstrate to you, my colleagues, that it has.

In 1896 the Olympian games were reorganized. The old stadium in Athens was repaired and restored. The athletes of the civilized nations of the world were invited to participate in the games. We sent ours; among them was one from Boston. The day the historic event opened more than 100,000 persons were crowded into the old stadium. A rule was established that when an athlete won an event the flag of his country would be run up on the flagpole. For four days Old Glory's folds swept the breeze, until finally one old Athenian raised his hands in mock despair and cried: "Oh, why did Columbus discover that country!"

That which aroused the greatest curiosity among the foreign spectators was the large number of events won by a lad by the name of Burke, of Boston. A group of foreigners waited upon him to inquire the reason for his skill. They explained to him that they had come to the conclusion that it must be what he ate in America that made him so agile. They said, "Mr. Burke, what do you eat in America?" Being a true Bostonian, he replied, "Beans!"

This brings me to the real point of my story. The greatest event of all was the last one—the great marathon race of 28 miles from the battlefield of Marathon to Athens. There was entered in this event the fastest, strongest athletes from the nations of the world. The stadium was packed with people. Two hundred thousand persons, unable to gain admittance to the stadium, had camped for 10 days on a hill just outside waiting to see this great race.

The time came for the athletes who were to participate to assemble and be conveyed to the starting point. A hush fell upon 100,000 people as they saw a Greek boy and his old peasant father enter the stadium. They knelt known in the presence of 100,000 people and solemnly invoked the blessings of the gods that Louias might win the race.

As the time approached for the runners to appear, the 200,000 persons who had camped on the hillside crept down to the historic highway over which the runners were to come. The crowd lined up on each side of the road until the 200,000 extended out from the stadium a distance of over 4 miles. Soldiers kept the lane for the runners open.

A rule was established that when the first runner appeared on the horizon a cannon shot should announce it. Excitement was intense. Suddenly there was the boom of a cannon, and there on the horizon was a speck, the first runner had appeared. He reached the fringe of the crowd; then a murmur was heard, gathering in volume as thousands of voices joined the chorus until it swelled into a thunderous cheer "It's the Greek!"

On came Louias; he broke through the tape and into the stadium. The great crowd of 100,000 people rushed from their seats to the open space, picked up Louias, and marched around the stadium and cheered until exhausted.

The King sent for Louias, took him to the palace, and entertained him to show the appreciation of a grateful nation. A successful Greek, a wealthy man, misjudged the motive of Louias and approached the peasant boy with these words: "Louias, you have won a great victory. You are a poor boy. I am a rich man. I am going to give you a large sum of money for winning this race."

Then it was that after 2,000 years the spirit of Pericles found expression in the heart and soul of the Greek boy. Looking the rich man squarely in the eye, he said to him:

Sir, I am poor; I need money; but, sir, I ran not for money. I ran for the honor of my country and the glory of my race. All I ask, sir, is the laurel wreath my ancestors wore 2,000 years ago.

Thus we find that personal influence and leadership have a survival value. It is our responsibility as Representatives to set an example to the youth of this Nation that will inspire

them not only now but in the centuries to come to preserve, protect, and defend the priceless heritage of liberty. Let us hope that 2,000 years from now the youth of America will say:

We will never bring disgrace to this our country by any act of dishonesty or cowardice. We will fight for the ideals and the sacred things of the Nation, both alone and with many. We will revere and obey the Nation's laws, and we will do our best to incite a like reverence in those above us who are prone to annul them or set them at naught. We will strive increasingly to quicken the public sense of civic duty. Thus in all these ways we will transmit this Nation not only not less, but greater, better, and more beautiful than it was transmitted to us.

[Applause.]

EXTENSION OF REMARKS

Mr. STARNES. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD on the Dies immigration bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

A NATIONAL LOTTERY

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. PHILLIPS. Mr. Speaker, in the time at my disposal today I wish to call attention to the proposition of a national lottery for the raising of public funds.

First of all, I wish to call your attention to facts and figures which I have before me here, which have been derived from replies I have to letters I personally sent to every chief of police in the United States in cities of 25,000 and over, asking those officers to tell me the amount of money going out of their cities through some kind of rackets. In other words, I wished definitely to establish the fact that money was going out and is going out of practically every city in the United States in some kind of gambling racket; that is, money serving in a great degree in many cases to subvert government, unfortunately, by being used in some instances to bribe or otherwise influence public officials. In other words, this money which is going out of practically every community in the United States each day is being used to break down government.

On the other hand, it has been proven, I believe—and I will go over these replies in a brief way in a moment—that it is impossible to stamp gambling of one kind or another out of our communities. Therefore, if gambling exists, if money is being spent on rackets all the time, would it not be advisable for the United States Government to have honest and fair legalized gambling—a lottery, if you please—thereby turning the gambling instincts of the people into channels where they will be honestly treated, and at the same time Government revenue would be derived therefrom?

I wish to pause at this time to acknowledge that a great deal of my data has been received from an ex-member of the assembly in the State of Connecticut, ex-Assemblyman Leon E. McCarthy.

I shall not clutter up the RECORD with any voluminous excerpts from the data I have here or any of the facts and figures in it, but I do want to call the attention of the Members of the House in this material. If anybody is interested in the subject of lotteries, their historical background, where they began and where they ended, lotteries abroad, how much they get, and other factors in this connection, I may say the facts are available, and I will put them at the service of the committee which is now considering the lottery bill.

May I briefly run over the answers given me by various chiefs of police in America to the questions addressed to them with reference to whether or not some kind of racket money was going out of their communities. Here are some examples:

Asheville, N. C., \$3,000 to \$5,000 per month going out. Butte, Mont., about a million dollars. Charleston, W. Va., several thousand dollars each month. Cincinnati, Ohio, number racket and slot machines driven out of city. Sweepstakes tickets being sold. Dayton, Ohio, approximately \$17,000 to \$30,000 a week estimated.

Some of the replies say there is no such thing. I am afraid a chief of police so replying is a little bit more optimistic regarding his community than the facts warrant.

As I remarked earlier, I will place the data at the disposal of the committee. Here are replies from practically every chief of police in the United States of cities with a population of from 25,000 up. Here is Lynn, Mass., "I think a conservative figure going out would be \$5,000 a week."

A prominent official of California writes \$30,000,000 taken annually out of California.

I shall refer for a moment to lotteries in the United States. I wish I had more time to go into the matter.

These data show that historically lotteries in the United States financed hospitals, financed churches, financed government. The rebuilding of Faneuil Hall in Boston was financed by a lottery. The data showing the historical background of lotteries in America are voluminous. Apparently they were successful in their application until, for reasons which I wish I had the time to discuss here, lotteries were banned in the United States. I have before me reference to works in the Library of Congress and various other volumes found at other places which I am pleased to put at the disposal of the committee.

In closing, I wish to take this opportunity as one Member of this House, also as one who has had experience in conducting a municipal police department in a city of over 25,000 for some 6 years, and who has been intimately connected with municipal government for a great many years, to express the opinion that it is impossible to stamp out the racket and gambling proposition in America today as it now exists. I believe from my experience and from the experience of others who know infinitely more about this than I do that if we had a national lottery adequately controlled by the Federal Government it would not only furnish millions of dollars of revenue but would go a long way toward stamping out illicit gambling, racketeering, and the unfortunate connection between some people in government and the underworld.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. HOFFMAN. From the gentleman's experience would he give me his opinion as to the class from which the money would come?

Mr. PHILLIPS. I think the money comes from just about every class. As we all know, life is a gamble from the cradle to the grave. When we get up in the morning we do not know what is going to happen to us.

Mr. HOFFMAN. Would it come from the international and the Wall Street bankers, or would it come from the working people?

Mr. PHILLIPS. It would come from everybody, and it does come from everybody. Let me put a minus sign on that when I say "everybody." The people who have large means gamble in Wall Street or the market, although they play the numbers, too, but the people who have small or medium means are the ones who gamble most on the numbers and other rackets in the municipalities, in my opinion.

Mr. HOFFMAN. Then the larger amount of revenue would come from those of small means?

Mr. PHILLIPS. In its present illegal form it goes from the people of small means out to the criminals; that is correct.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include a letter from the Public Printer relative to the distribution and sale of public documents.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE AIR SERVICE

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLLINS. Mr. Speaker, a few years ago the Army was asked if its air force could carry the air mails on the established air-mail lines of the United States, and the President was promptly advised by the Army that the Army could do that job. Its miserable failure to do this is well known and generally attributable to the training which was given the Army flyers. I wrote an article at that time for the North American Newspaper Alliance which set out the reasons I believed to be the primary cause of the fiasco.

The Navy has had placed upon its air force during the last few days a task very much less onerous and difficult, and its failure to perform it is much more gloomy and disastrous than was the Army's of a few years ago. The Army's excuse was severe winter weather. The Navy's probably will be the same, since we are told that the first relief plane dispatched turned back because of sleet and snow encountered over the Equator.

Miss Amelia Earhart was forced down within easy flying distance of Honolulu nearly a week ago, and to date, if newspaper accounts can be relied upon, only three planes have approached the vicinity of the spot where she and her companion and plane are supposed to be. And remember, Mr. Speaker, the Navy has more than 200 patrol planes for flying over water that cost around \$160,000 apiece, with a supposed cruising radius of from 3,000 to 4,000 miles. Still, we are told by the newspapers that airplane carriers are going to have to leave their bases and go to the vicinity of these islands so that Navy flyers may search out for and find these missing persons; and notwithstanding their failure to find them or even to get planes within the vicinity of the place they are supposed to be, the Navy is securing day by day reams of publicity praising them for their glorious efforts.

Some may speak disparagingly of the flight which has brought about this need for succor. That has no relevancy at all to what I am saying. A condition has arisen demanding expeditious attempts at rescue, and we find the Navy, with a fleet of planes but 1,500 miles away, unable to give a helping hand, and advertising its failure as a triumph by widely publicizing the onward rush of surface vessels all the way from the west coast of the United States.

If the air forces of this country in times of peril cannot perform their missions better than the Army performed its mission a few years ago and the Navy its mission of today, the prospects of victory in times of peril are remote. [Applause.]

Mr. Speaker, I yield back the balance of my time.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent that on Monday next, after the legislative program has been completed, and following previous special orders, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Speaker, I ask unanimous consent that on Tuesday next, after disposition of business on the Speaker's table and following the legislative program of the day, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE AIR SERVICE

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCOTT. Mr. Speaker, the remarks of the gentleman from Mississippi [Mr. COLLINS] bring back to my mind something I was thinking about earlier in the day.

Miss Amelia Earhart started a publicity stunt trip around the world and got lost, and the United States Navy has been called out to find her. Naturally I hope they find her.

I think it is about time for the Navy Department or some department of the Government that has the authority to do so to say that in the future if somebody wants to pull a publicity stunt like this, they will have to do it at their own risk. I think also that we should say that the Navy can be used only in the case of disaster in a trip that will be of some scientific value or in doing something that is going to be of use later and has been authorized by a proper department of the Government. Only in cases of this kind should the United States Navy be called out to give aid. I do not for a minute say that with Miss Earhart out on the ocean, everybody should give her up and that the Navy should be called off, but I do say that somebody in the United States should have had the authority to tell her not to go.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. LUCAS. Does the gentleman know who financed Miss Earhart's trip?

Mr. SCOTT. No. Does the gentleman from Illinois know?

Mr. LUCAS. No, I do not.

Mr. FADDIS. If it had been some poor father of a family who had been blown off into the Pacific in a fishing boat, does the gentleman believe that the Navy would be spending \$250,000 a day to hunt up that father of the children?

Mr. SCOTT. I doubt it. The Navy, of course, should continue now, but in the future stunt flyers should be on notice that they seek publicity at their own risk.

The SPEAKER. The time of the gentleman from California has expired.

EXTENSION OF REMARKS

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. REED of New York. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. FLEGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. VINSON of Georgia for 10 days on account of important business.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, would the gentleman from Texas tell us what the proposed program is for next week?

Mr. RAYBURN. Mr. Speaker, on Monday we have District day; Tuesday, omnibus claims bill from the Committee on Claims; Wednesday, Calendar Wednesday business; Thursday, the conference report on the Interior Department appropriation bill. If that is finished on Thursday, then the Ohio flood-control bill.

Mr. SNELL. Would the gentleman care to state to the House at this time if there is any possibility of working out some sort of an agreement whereby the House might perhaps stand in recess subject to the call of the Speaker during the time the other body is discussing the Supreme Court matter? We have not a very formidable array of business before the House at the present time.

Mr. RAYBURN. Not for next week.

Mr. SNELL. For a great many weeks we have not, when we have practically wasted our time.

Mr. RAYBURN. I say this to the gentleman: The Speaker and I have discussed the matter in a very small way. It will be my hope if things could be worked that way that in a week or two from now probably we might have an understanding that for 2 weeks we would not transact any business.

Mr. SNELL. I think that would be a very wise move.

Mr. RAYBURN. I hope that can be worked out.

Mr. O'CONNOR of New York. And may I suggest, Mr. Speaker, that following the conclusion of the Interior appropriation bill, to be called up next week, I hope some plan can be worked out for recesses.

Mr. SNELL. I think we really ought to do it. I think that is fair and ought to be done. We certainly have not been very busy.

Mr. RAYBURN. I would like very much to see it done. I one day referred to a farm down in Texas. In the past 18 months I have been on it less than 30 days.

Mr. SNELL. I know a good fishing pond that I have been on less than that. [Laughter.]

Mr. RAYBURN. But I would say to the gentleman it would certainly please me very much if we could work out some kind of a program that would give the Members of the House 2 weeks in which they might know they might be away.

Mr. SNELL. I think that would be the wise thing to do, and I hope the Speaker and the majority leader will be able to do so.

Mr. RAYBURN. The Speaker feels the same way about it, and I know he joins me in this desire.

Mr. SNELL. I thank the gentleman for those kind words.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 171. An act for the relief of George E. Shockley;

S. 885. An act for the relief of H. G. Harmon;

S. 1188. An act for the relief of J. E. Sammons;

S. 1257. An act for the relief of James H. Smith; and

S. 2266. An act for the relief of John A. Ensor.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p. m.), pursuant to its order heretofore entered, the House adjourned until Monday, July 12, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, July 13, 1937. Business to be considered: Continuation of hearing on H. R. 6968—to amend the Securities Act of 1933.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, July 13, 1937, at 10:30 a. m., to begin hearings on H. R. 7365, a bill to provide for the regional conservation and development of the national resources, and for other purposes.

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Tuesday, July 13, 1937, at 10 a. m., for the consideration of H. R. 1485, H. R. 1486, and H. R. 4275, which affect Puerto Rico, and H. R. 7561 and H. R. 7727, which affect the Philippine Islands.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, July 14, 1937, at 10:30 a. m. In re H. R. 7608, H. R. 7716, H. R. 7718, H. R. 7294 (public).

EXECUTIVE COMMUNICATIONS, ETC.

707. Under clause 2 of rule XXIV, a letter from the Attorney General, transmitting the draft of a bill to amend

section 224 of the Criminal Code so as to penalize the making of false claims for the loss of insured mail matter, was taken from the Speaker's table and referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. NICHOLS: Committee on the District of Columbia. H. R. 7084. A bill to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes; with amendment (Rept. No. 1194). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. S. 1284. An act to change the name of the Chemical Warfare Service; with amendment (Rept. No. 1195). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIERMANN: A bill (H. R. 7800) to divorce the business of production, refining, and transporting of petroleum products from that of marketing petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLER: A bill (H. R. 7801) to authorize retirement annuities for persons who serve as Librarian of Congress for 35 years; to the Committee on the Library.

By Mr. O'NEAL of Kentucky: A bill (H. R. 7802) to provide for the promotion of the efficient and equitable use and effective control and conservation of the water resources of the United States for the greater good of the people, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BLAND: A bill (H. R. 7803) to amend paragraph (1) of section 96 of title 2 of the Canal Zone Code, relating to method of computing annuities; to the Committee on Merchant Marine and Fisheries.

By Mr. SUMNERS of Texas: A bill (H. R. 7804) to amend the Judicial Code by conferring on circuit courts of appeals jurisdiction to revise sentences in criminal cases; to the Committee on the Judiciary.

By Mr. PALMISANO (by request): A bill (H. R. 7805) to exempt from taxation certain property of the United Spanish War Veterans, Inc., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GOLDSBOROUGH: A bill (H. R. 7806) authorizing the State Roads Commission of the State of Maryland to construct, maintain, and operate a free highway bridge across the Sinepuxent Bay in Worcester County, Md., at Ocean City, Md., to replace a bridge already in existence; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7807) authorizing the State Roads Commission of the State of Maryland to construct, maintain, and operate a free highway bridge across Cambridge Creek in or near Cambridge, Dorchester County, Md., to replace a bridge already in existence; to the Committee on Interstate and Foreign Commerce.

By Mr. McANDREWS: A bill (H. R. 7808) to promote interstate and foreign commerce, to improve the navigability of the Illinois Lake-to-Gulf waterway, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. VINSON of Georgia: A bill (H. R. 7809) to promote the efficiency of the Navy by creating a transferred regulars list, amending the laws relating to retirement and promotion, and for other purposes; to the Committee on Naval Affairs.

By Mr. BEITER: A bill (H. R. 7810) to amend the Civil Service Retirement Act; to the Committee on the Civil Service.

By Mr. LORD: A bill (H. R. 7811) to amend section 4884 of the Revised Statutes (U. S. C., title 35, sec. 40); to the Committee on Patents.

By Mr. BOYLAN of New York: Resolution (H. Res. 272) for the relief of Anna Paul; to the Committee on Accounts.

By Mr. ALLEN of Pennsylvania: Joint resolution (H. J. Res. 440) declaring the policy of Congress relative to employment under the Relief Appropriation Act; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XVII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 7812) granting an increase of pension to Mary E. Miller; to the Committee on Invalid Pensions.

By Mr. CLUETT: A bill (H. R. 7813) granting an increase of pension to Mary C. Hoyt; to the Committee on Invalid Pensions.

By Mr. CREAL: A bill (H. R. 7814) granting a pension to Mary J. Hanks; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 7815) granting an increase of pension to Cyrena Reed; to the Committee on Invalid Pensions.

By Mr. DUNCAN: A bill (H. R. 7816) granting an increase of pension to Hattie Watson; to the Committee on Invalid Pensions.

By Mr. GEHRMANN: A bill (H. R. 7817) for the relief of C. G. Bretting Manufacturing Co.; to the Committee on Claims.

By Mr. HAINES: A bill (H. R. 7818) for the relief of Luke A. Westenberger; to the Committee on Claims.

By Mr. KELLY of New York: A bill (H. R. 7819) granting a pension to Cecelia Jane Swift; to the Committee on Pensions.

By Mr. SMITH of Maine: A bill (H. R. 7820) granting a pension to Alice M. Spaulding; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 7821) for the relief of Agnes and Mary J. Weatherup; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2881. By Mr. COLDEN: Four hundred and sixty-two letters and petitions, containing 379 names, received from the Seventeenth Congressional District of California, urging the enactment of House bill 4199, known as the General Welfare Act of 1937; to the Committee on Ways and Means.

2882. By Mr. CURLEY: Petition of 18 residents of St. Albans, Long Island, N. Y., endorsing the Copeland-Curley home owners' bill; to the Committee on Banking and Currency.

2883. Also, petition of the New York County Lawyers' Association, recommending approval of Senate bill 1499, introduced by Senator WALSH, giving the United States Maritime Commission until June 29, 1938, to discontinue the operation of any of the Commission's vessels by private operators; to the Committee on Merchant Marine and Fisheries.

2884. Also, petition of the Travelers' Aid Society of Los Angeles, Calif., endorsing Senate Joint Resolution 85; to the Committee on Labor.

2885. Also, petition of the Travelers' Aid Society of Scranton, Pa., endorsing Senate Joint Resolution 85; to the Committee on Labor.

2886. By Mr. FITZPATRICK: Petition of the Fourth Ward Democratic Club of Mount Vernon, N. Y., protesting against the present lay-off of the Works Progress Administration employees; to the Committee on Appropriations.

2887. Also, petition of the Home Building & Loan Association of Mount Vernon, N. Y., opposing the passage of Senate bill no. 1166, to authorize the establishment of a Federal mortgage bank; to the Committee on Banking and Currency.

2888. By Mr. O'NEILL of New Jersey: Petition of the Newark Live Poultry Co., Nathan North, Barker Live Poultry Co., and Cooperative G. L. F. Live Poultry Service, Inc.,

requesting passage by the House of Senate bill 2492, a bill to amend the Packers' Act; to the Committee on Agriculture.

2889. By the SPEAKER: Petition of the Northern California Newspaper Guild, San Francisco, Calif., petitioning the President to carry out the present Works Progress Administration program without any cuts in personnel, and upon the exhaustion of the present appropriation to demand a further appropriation of Congress; to the Committee on Appropriations.

2890. Also, petition of Adam Th. Drekolias, of Los Angeles, Calif., concerning United States patent no. 1355656, granted on October 12, 1920; to the Committee on Patents.

SENATE

SATURDAY, JULY 10, 1937

(Legislative day of Tuesday, July 6, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, July 9, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the bill (S. 2193) to authorize the construction of certain auxiliary vessels for the Navy with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6547. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes; and

H. R. 7641. An act to authorize the attendance of the Marine Band at the National Encampment of the Grand Army of the Republic to be held at Madison, Wis., September 5 to 10, inclusive, 1937.

ORDER FOR RECESS TO MONDAY

Mr. ROBINSON. I ask unanimous consent that when the Senate completes its labors today it take a recess until 12 o'clock noon on Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	Kling	Pope
Ashurst	Dieterich	La Follette	Radcliffe
Austin	Duffy	Lee	Reynolds
Bailey	Ellender	Lewis	Robinson
Bankhead	Frazier	Lodge	Schwartz
Barkley	George	Logan	Schwellenbach
Berry	Gerry	Loneragan	Sheppard
Bilbo	Gibson	Lundeen	Shipstead
Black	Gillette	McAdoo	Steiwer
Bone	Green	McCarran	Thomas, Okla.
Borah	Guffey	McGill	Thomas, Utah
Brown, Mich.	Hale	McKellar	Townsend
Brown, N. H.	Harrison	McNary	Truman
Bulkley	Hatch	Maloney	Tydings
Bulow	Hayden	Minton	Vandenberg
Burke	Herring	Murray	Van Nuys
Byrnes	Hitchcock	Neely	Wagner
Capper	Holt	Nye	Walsh
Caraway	Hughes	Overton	Wheeler
Chavez	Johnson, Calif.	Pepper	White

Mr. LEWIS. I announce that the Senator from Wyoming [Mr. O'MAHONEY] is absent because of illness.

The Senator from Ohio [Mr. DONAHAY] and the Senator from South Carolina [Mr. SMITH] are necessarily detained from the Senate.

The junior Senator from Virginia [Mr. BYRD], the Senator from Missouri [Mr. CLARK], the senior Senator from Virginia [Mr. GLASS], the senior Senator from New Jersey [Mr. MOORE], the Senator from Georgia [Mr. RUSSELL], and the junior Senator from New Jersey [Mr. SMATHERS] are detained on important public business. I ask that this announcement stand of record for the day.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Pennsylvania [Mr. DAVIS] are necessarily absent.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

PATRICK J. HALTIGAN

Mr. LONERGAN. Mr. President, I take this opportunity to call attention of the Senate to the passing of Patrick J. Haltigan, who died Thursday night after a long illness, ending a period of 25 years of service in the House of Representatives, the last 17 years of which were in the capacity of reading clerk.

The House has paid tribute to Mr. Haltigan, and I am sure that the Senate, and particularly those Members who previously served in the House and who came to know "P. J." intimately, and to love him, are grieved to learn of his passing after a long illness, and will be pleased to join with the House in this official tribute.

I personally knew Mr. Haltigan for 24 years. He was a man of high character and vital and impressive personality. He was kind, and was possessed of great dignity and intelligence. I think that one of the greatest attributes he had was in making friends and in keeping everyone good natured. So far as I know, he never made an enemy during his entire service in the House.

Possessed of a golden voice, he served efficiently as reading clerk in the House and also at several Democratic national conventions. Regular in attendance, and efficient and vigilant in handling details of his work, he performed a public service of extreme importance in our legislative tribunal.

Patrick J. Haltigan was born in Ireland, where a brother, Andrew, still lives, and 4 years ago visited his native land. At 20 "P. J." landed in New York, where for 7 years he worked at the printing trade. He came to Washington in 1889 and worked as a compositor and proofreader in the Government Printing Office for 11 years.

In 1892 he married Miss Mary Elizabeth Gradey, and 5 sons and 5 daughters and 11 granddaughters resulted from that union. His oldest son, John E. Haltigan, was mayor of Carroll, Iowa, at 29, one of the youngest mayors of any city in the United States. The son now is chief attorney for the Veterans' Bureau.

While working in the Government Printing Office Mr. Haltigan studied at Georgetown University Law School, where he earned his bachelor of law degree. Meanwhile he had been first historian of Columbia Typographical Union.

Several months ago, when it was foreseen that Mr. Haltigan would never be able to return to his post, the House paid him an extraordinary tribute. The Speaker and other leaders announced he would be continued in his position as long as he lived, while they made arrangements for training a successor.

Mr. Haltigan's 10 children are: Mrs. Frederick F. Floehan, Audubon, Iowa; John Emmett, Daniel G., Mrs. Leo H. Bartimeier, Detroit; Mrs. Edward L. Pugh, wife of a Marine Corps captain at Quantico, Va.; James P., Patrick J., Jr., Miss Helen Agnes, Joseph A., and Mrs. James J. Farrell.